



JIM EDGAR
Secretary of State

ILLI REGIS

Rules of Governmental Agencies

TABLE OF CONTENTS

PROPOSED RULES

PAGE

AGING, DEPARTMENT ON

Community Care Program; 89 Ill. Adm. Code 240 1077

EMPLOYMENT SECURITY, DEPARTMENT OF

Payment of Unemployment Contributions, Interest & Penalties; 56 Ill. Adm.
Code 2765 1101

LABOR, DEPARTMENT OF

Nurse Agency Licensing Act; 68 Ill. Adm. Code 690 1107

PUBLIC AID, DEPARTMENT OF

Aid to Families with Dependent Children; 89 Ill. Adm. Code 112 1123

PUBLIC HEALTH, DEPARTMENT OF

Ill. Formulary for the Drug Product Selection Program, The; 77 Ill. Adm.
Code 790 1220

RACING BOARD, ILLINOIS

Pari-Mutuels; 11 Ill. Adm. Code 405 1224

RETIREMENT SYSTEM, STATE UNIVERSITIES

Universities Retirement; 80 Ill. Adm. Code 1600 1228

ADOPTED RULES

AGING, DEPARTMENT ON

Community Care Program; 89 Ill. Adm. Code 240 1233

EDUCATION, STATE BOARD OF

Certification; 23 Ill. Adm. Code 25 1243

Learning Assessment & School Improvement Plans; 23 Ill. Adm. Code 210 1254

LABOR RELATIONS BOARD, ILLINOIS EDUCATIONAL

General Procedures; 80 Ill. Adm. Code 1100 1270

Hearing Procedures; 80 Ill. Adm. Code 1105 1278

Representation Procedures; 80 Ill. Adm. Code 1110 1297

Unfair Labor Practice Proceedings; 80 Ill. Adm. Code 1120 1322

NUCLEAR SAFETY, DEPARTMENT OF

Licensing Requirements for Source Material Milling Facilities; 32 Ill. Adm.
Code 332 1333

POLLUTION CONTROL BOARD

Introduction; 35 Ill. Adm. Code 601 1379

(continued on next page)

VOLUME 14
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Secretary of State
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PUBLIC HEALTH, DEPARTMENT OF	
Ill. Plumbing Code; 77 Ill. Adm. Code 890	1385
REHABILITATION SERVICES, DEPARTMENT OF	
Client Financial Participation; 89 Ill. Adm. Code 562	1466
Training Services; 89 Ill. Adm. Code 592	1473
SECRETARY OF STATE	
Revised Uniform Limited Partnership Act; 14 Ill. Adm. Code 170	1480
TRANSPORTATION, DEPARTMENT OF	
Allocation of Water from Lake Michigan; 92 Ill. Adm. Code 730	1484
EMERGENCY RULES	
PUBLIC AID, DEPARTMENT OF	
Medical Assistance Programs; 89 Ill. Adm. Code 120	1494
PUBLIC HEALTH, DEPARTMENT OF	
Ill. Formulary for the Drug Product Selection Program, The; 77 Ill. Adm. Code 790	1505
AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES	
AGING, DEPARTMENT ON	
Community Care Program; 89 Ill. Adm. Code 240, Refusal	1533
EDUCATION, STATE BOARD OF	
Learning Assessment & School Improvement Plans; 23 Ill. Adm. Code 210, Refusal	1534
PUBLIC HEARINGS	
REVENUE, DEPARTMENT OF	
Telecommunications Excise Tax; 86 Ill. Adm. Code 495	1535
PUBLIC INFORMATION	
BANKS AND TRUST COMPANIES, COMMISSIONER OF	
Notice of Acceptance of an Application by First Banks, Inc., St. Louis, Missouri, to Acquire West Frankfort Community Bancshares, Inc., West Frankfort, Illinois	1536
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received	1537
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS	
90-001 Careers In Cosmetology Month	1538
90-002 Jaycee Week	1538
90-003 William Franklin Fennoy Day	1538
90-004 Financial Aid Awareness Month	1539
90-005 Printing Week	1540
CUMULATIVE INDEX	
1990 Index - Issue #3	CI-1
SECTIONS AFFECTED INDEX	
1990 Index - Issue #3	SAI-1

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
Mar. 27, 1990	Apr. 3, 1990	15	Apr. 13, 1990	Oct. 2, 1990	Oct. 9, 1990	42	Oct. 19, 1990
Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
Apr. 10, 1990	Apr. 17, 1990	17	Apr. 27, 1990	Oct. 16, 1990	Oct. 23, 1990	44	Nov. 2, 1990
Apr. 17, 1990	Apr. 24, 1990	18	May 4, 1990	Oct. 23, 1990	Oct. 30, 1990	45	Nov. 9, 1990
Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Community Care Program

2) Code Citation: 89 Ill. Adm. Code 240

3) Section Numbers: Proposed Action:

240.715 Amendment
240.720 Amendment
240.725 Amendment
240.855 Amendment
240.870 Amendment
240.920 Amendment
240.1020 Amendment
240.1950 Amendment

4) Statutory Authority:

Ill. Rev. Stat., Ch. 23, Sections
6104.01(4), (9), (11), and (12);
6104.02, 6104.03, and 6105.02

5) A Complete Description of the Subjects and Issues Involved:

These amendments are being proposed to incorporate changes which will result from the implementation of a revised Determination of Need (DON) assessment tool which is utilized in determining eligibility for the Community Care Program.

In addition, these amendments increase the eligible applicant/client protected income level to reflect the federal poverty level and to clarify how the incurred monthly expense for Community Care Program services is determined.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Written comments on these proposed amendments will be accepted until thirty (30) days following the date of this publication. Comments should be addressed to:

Melvin E. Koch, Policy and Rules Analyst
Illinois Department on Aging
421 East Capitol Avenue
Springfield, Illinois 62701

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 9, 1990
- B) Types of small businesses affected:
Providers of Community Care Program services.
- C) Reporting, bookkeeping or other procedures required for compliance:
No change from current procedures.
- D) Types of professional skills necessary for compliance:
The skills necessary to administer the revised Determination of Need will be acquired through Department provided training.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT ON AGING
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 240
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section
240.100
240.110
240.120
240.130
240.140
240.150
240.160

Community Care Program
Department Prerogative
Services Provided
Maintenance of Effort
Program Limitations
Completed Applications Prior to August 1, 1982 (Repealed)
Definitions

SUBPART B: SERVICE DEFINITIONS

Section
240.210
240.220
240.230
240.240
240.250
240.260
240.270
240.280

Homemaker Service
Chore-Housekeeping Service
Adult Day Care Service
Information and Referral
Demonstration/Research Projects
Case Management Service
Alternative Provider
Individual Chore-Housekeeping Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section
240.300
240.310
240.320
240.330
240.340
240.350
240.360
240.370

Applicant/Client Rights and Responsibilities
Right to Apply
Nondiscrimination
Freedom of Choice
Confidentiality/Safeguarding of Case Information
Applicant/Client/Authorized Representative Cooperation
Reporting Changes
Voluntary Repayment

SUBPART D: APPEALS

Section
240.400
240.405
240.410
240.415

Appeals and Fair Hearings
Representation
When the Appeal May Be Filed
What May Be Appealed

DEPARTMENT ON AGING
NOTICE OF PROPOSED AMENDMENTS

240.420
240.425
240.430
240.435
240.440
240.445
240.450
240.455
240.460
240.465
240.470
240.475
240.480
240.485

Group Appeals
Informal Review
Notice of Findings
Withdrawing an Appeal
Examining Department Records
Hearing Officer
The Hearing
Continuance of the Hearing
Postponement
Dismissal Due to Non-Appearence
Rescheduling the Appeal Hearing
Recommendations of Hearing Officer
The Appeal Decision
Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

Section
240.510
240.520
240.530
240.540

Application for Community Care Program
Who May Make Application
Date of Application
Statement To Be Included on Application

SUBPART F: ELIGIBILITY

Section
240.600
240.610
240.620
240.630
240.640
240.650
240.655
240.660

Eligibility Requirements
Establishing Eligibility
Home Visit
Determination of Eligibility
Eligibility Decision
Continuous Eligibility
Frequency of Redeterminations
Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section
240.710
240.715
240.720
240.725
240.730
240.735
240.740
240.750
240.755
240.760

Age
Need for Long Term Care Determination of Need
Clients Prior to July 6, 1982 Effective Date of This Section
Clients After July 6, 1982 Effective Date of This Section
Plan of Care
Supplemental Information
Assessment of Need
Citizenship
Residence
Furnishing of Social Security Number

NOTICE OF PROPOSED AMENDMENTS

SUBPART H: FINANCIAL REQUIREMENTS

Section	Financial Factors
240.800	Assets
240.810	Exempt Assets
240.815	Asset Transfers
240.820	Income
240.825	Unearned Income Exemptions
240.830	Earned Income
240.835	Potential Retirement, Disability and Other Benefits
240.840	Family
240.845	Monthly Average Income
240.850	Applicant/Client Expense for Care
240.855	Change in Income
240.860	Application for Medical Assistance (Medicaid)
240.865	Determination of Applicant/Client Monthly Expense for Care
240.870	Client Responsibility
240.875	

SUBPART I: DISPOSITION OF DETERMINATION

Section	Prohibition of Institutionalized Individuals From Receiving
240.905	Community Care Program Services
240.910	Written Notification
240.915	Service Provision
240.920	Reasons for Denial
240.925	Frequency of Redeterminations (Renumbered)
240.930	Suspension of Services
240.935	Discontinuance of Services to Clients
240.940	Penalty Payments
240.945	Notification
240.950	Reasons for Termination
240.955	Reasons for Reduction or Change

SUBPART J: SPECIAL SERVICES

Section	Nursing Home Prescreening
240.1010	Interim Services
240.1020	Intense Service Provision
240.1040	Temporary Service Increase
240.1050	

SUBPART K: TRANSFERS

NOTICE OF PROPOSED AMENDMENTS

SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section	Individual Transfer Request - Vendor to Vendor - No Change in Service
240.1110	Individual Transfer Request - Vendor to Vendor - With Change in Service
240.1120	Individual Transfers - Case Coordination Unit to Case Coordination Unit
240.1130	Transfer of Pending Applications
240.1140	Interagency Transfers
240.1150	Temporary Transfers - Case Coordination Unit to Case Coordination Unit
240.1160	Caseload Transfer - Vendor to Vendor
240.1170	Caseload Transfer - Case Coordination Unit to Case Coordination Unit
240.1180	

SUBPART M: CASE COORDINATION UNITS AND VENDORS

Section	Administrative Service Contract
240.1210	

Section	Standard Contractual Requirements for Case Coordination Units and Vendors
240.1310	Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts
240.1320	General Vendor and CCU Responsibilities (Repealed)
240.1330	Payment for Services (Repealed)
240.1396	Purchases and Contracts (Repealed)
240.1397	Safeguarding Case Information (Repealed)
240.1398	Suspension/Termination of a Vendor or Case Coordination Unit (CCU)
240.1399	

SUBPART N: CASE COORDINATION UNITS (CCUs)

Section	Case Coordination Units (CCU's)
240.1410	Case Coordination Unit (CCU) Responsibilities
240.1420	

SUBPART O: VENDORS

Section	Vendor Administrative Minimum Standards
240.1510	Vendor Responsibilities
240.1520	General Homemaker Staffing Requirements
240.1530	Homemaker Staff Positions, Qualifications and Responsibilities
240.1535	General Chore-Housekeeping Staffing Requirements
240.1540	Chore-Housekeeping Staff Positions, Qualifications and Responsibilities
240.1545	

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

240.1550 Standard Requirements for Adult Day Care Vendors
 240.1555 General Adult Day Care Staffing Requirements
 240.1560 Adult Day Care Staff Positions, Qualifications and Responsibilities
 240.1565 Adult Day Care Satellite Sites
 240.1570 Adult Day Care Service Availability Expansion
 240.1575 Adult Day Care Site Relocation
 240.1580 Standards for Alternative Providers
 240.1590 Standard Requirements for Individual Chore-Housekeeping Provider Services

SUBPART P: VENDOR PROCUREMENT

Section
 240.1600 Vendor Procurement
 240.1605 Procuring Vendor Services
 240.1610 Procurement Cycle
 240.1620 Issuance of Vendor Request for Proposal
 240.1625 Content of Vendor Request for Proposal
 240.1630 Criteria for Number of Chore-Housekeeping and Homemaker Vendor Contracts Awarded
 240.1635 Evaluation of Vendor Proposals
 240.1640 Notification of Vendor Awards
 240.1645 Protest or Objection to Vendor Request for Proposal Award Determination
 240.1650 Failure to Maintain Vendor Compliance to Contract
 240.1655 Method of Identification of Type I, II and III Vendor Violations
 240.1660 Vendor Compliance During Contract Period
 240.1665 Vendor Sanctions for Failure to Comply with Community Care Program Contract

SUBPART R: ADVISORY COMMITTEES

Section
 240.1800 Policy Advisory Committee
 240.1850 Technical Rate Review Advisory Committee

SUBPART S: VENDOR RATES

Section
 240.1910 Establishment of Fixed Unit Rates
 240.1920 Contract Specific Variations
 240.1930 Fixed Unit Rates of Reimbursement for Chore-Housekeeping and Homemaker Services
 240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation
 240.1950 Adult Day Care Fixed Unit Rates

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

SUBPART T: FINANCIAL REPORTING

Section
 240.2020 Financial Reporting of Chore-Housekeeping and Homemaker Services
 240.2030 Unallowable Costs for Chore-Housekeeping and Homemaker Services
 240.2040 Minimum Direct Service Worker Costs for Chore-Housekeeping and Homemaker Services
 240.2050 Cost Categories for Chore-Housekeeping and Homemaker Services

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging (Ill. Rev. Stat. 1987, ch. 23, pars. 6104.02 and 6104.01(1)).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979 for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 240.715 Need for Long Term Care Determination of Need

- a) To be eligible to receive Community Care Program (CCP) services, an individual shall exhibit a need for long term care. The CCP Determination of Need shall be utilized for the purpose of making the determination of, a standardized form, specifies the factors which together determine the individual's need for long term care.
- b) The need for long term care is based upon the determined need for a continuum of in-home and community-based services to prevent inappropriate or premature placement in a group an institutional long term care facility. The extent and degree of an

NOTICE OF PROPOSED AMENDMENTS

applicant's/client's need for long term care shall be determined on the basis of consideration of pertinent medical, social and psychological factors as measured by administration of the CCP Determination of Need. The CCP Determination of Need measures an applicant's/client's ability to perform the following functions:

- 1) telephoning
- 2) into/out of bed
- 3) outside home
- 4) shopping
- 5) managing money
- 6) preparing meals
- 7) eating
- 8) housework
- 9) laundry
- 10) dressing
- 11) grooming
- 12) bathing
- 13) bowel/bladder
- 14) routine health
- 15) special health
- 16) being alone

c) The determination of functional need scale of the CCP Determination of Need includes the sixteen functions listed in subsection (b) above. Each function is scored in two parts: Part A: Functional Impairment; and Part B, Unmet Need for Care. The extent and degree of an applicant's/client's need for long term care shall be determined on the basis of impaired cognitive and functional status as well as the available physical/environmental supports provided to the applicant/client by family, friends or others in the community.

d) The Determination of Need consists of two parts:

NOTICE OF PROPOSED AMENDMENTS

1) The Mini-Mental Status Examination (Folstein, Folstein and McHugh, 1975) measures cognitive functioning of the applicant/client.

A) The applicant/client who receives a score of twenty-one (21) or more points is considered to be cognitively intact. If the applicant/client scores twenty-one (21) or more points, zero (0) points will be added to the Part A, Level of Impairment, score on the Determination of Need.

B) The applicant/client who receives a score of twenty (20) or less points is considered to be cognitively impaired. If the applicant/client scores twenty (20) or less points, ten (10) points will be added to the Part A, Level of Impairment, score on the Determination of Need.

2) The Determination of Need measures the applicant's/client's ability to perform the following activities of daily living (ADLs) and instrumental activities of daily living (IADLs):

Activities of
Daily Living

- 1) Eating
- 2) Bathing
- 3) Grooming
- 4) Dressing
- 5) Transferring
- 6) Incontinence

Instrumental Activities
of Daily Living

- 7) Preparing meals
- 8) Being alone
- 9) Telephoning
- 10) Managing money
- 11) Routine health
- 12) Special health
- 13) Outside home
- 14) Laundry
- 15) Housework

e) The Determination of Need scale includes the six (6) ADLs and nine (9) IADLs listed above. Each function is scored in two parts: Part A - Level of Impairment, and Part B - Unmet Need for Care.

d) 1) Part A, Functional Level of Impairment, of the CCP Determination of Need measures the extent to which ability of the applicant/client can to perform activities of daily living each ADL and IADL function. On Part A of the CCP Determination of Need, a score A scoring range of zero (0) through three (3) indicates the degree of the applicant's/client's need for assistance in performing the sixteen (16) individual functions specified in subsection (b); impairment of the applicant/client in the performance of ADLs and IADLs.

DEPARTMENT ON AGING

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- 1) A) A score of zero (0) for any function indicates that the applicant/client performs or can perform all essential components of the activity, with or without an existing assistive device, such that:
- A) i) no significant impairment of function remains; or
 - B) ii) activity is not required by the applicant/client (routine health and special health only); or
 - C) iii) the applicant/client may benefit from but does not require supervision or physical assistance.
- 2) B) A score of one (1) for any function indicates that the applicant/client performs or can perform most essential components of the activity, with or without an existing assistive device, but some impairment of function remains such that the applicant/client requires some supervision or physical assistance to accomplish some or all components of the activity. This includes the applicant/client who:
- A) i) experiences minor, intermittent fatigue in performing the activity; or
 - B) ii) takes longer time to accomplish than an unimpaired persons requires; or
 - C) iii) must perform the activity more often frequently than an unimpaired person.
- 3) C) A score of two (2) for any function indicates that the applicant/client cannot perform most of the essential components of the activity, even with an existing assistive device, and requires a great deal of assistance or supervision to accomplish the activity. This includes the applicant/client who:
- A) i) experiences frequent fatigue or minor exertion in performing the activity; or
 - B) ii) takes an excessive amount of time to perform the activity; or
 - C) iii) must perform the activity much more frequently than for an unimpaired person.
- 4) D) A score of three (3) for any function indicates that the

applicant/client cannot perform the activity and requires someone to perform the task, although the applicant/client may be able to assist in small ways, or requires constant supervision.

- e) 2) In the event an applicant/client is unable to perform any of the sixteen (16) functions specified in subsection (b); Part B, Unmet Need for Care, of the CCP Determination of Need measures the extent to which other persons are available to assist need of the applicant/client for assistance/performance/supervision for each ADL and IADL function which is not being met by non-CCP resources in the community (e.g. family, friends, local services). On Part B of the CCP Determination of Need, a score of zero (0) through three (3) indicates the resources available to the applicant/client (excluding the Community Care Program) to meet his/her functional needs:
- 1) A) A score of zero (0) for any function indicates that there is no impairment, or that the applicant's/client's need for assistance is met to the extent that the applicant/client is at no risk to health or safety if additional assistance is not acquired, or that additional assistance will not benefit the applicant/client, or that the applicant's/client's needs are being met by non-CCP resources and, therefore, or that the applicant/client has no need for assistance or that additional assistance will not benefit the applicant/client.
- 2) B) A score of one (1) for any function indicates that the applicant's/client's need for assistance is met most of the time, but the applicant's/client's health and safety are at minimal risk if additional assistance is not acquired.
- 3) C) A score of two (2) for any function indicates that the applicant's/client's need for assistance is not met most of the time, and the applicant's/client's health and safety are at moderate risk if additional assistance is not acquired.
- 4) D) A score of three (3) for any function indicates that the applicant's/client's need for assistance is seldom rarely, or never, met or the applicant/client will and the applicant's/client's health and safety are at severe risk, which would require acute medical intervention, if additional assistance is not acquired.

DEPARTMENT ON AGING

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- f) The CCP Determination of Need measures an applicant's/client's ability to perform the following functions:
- 1) telephoning
 - A) Part A scoring will reflect the applicant's/client's ability to use the telephone to communicate essential needs:
 - B) Part B scoring will reflect the availability of assistance, if needed, to help the applicant/client reach and use the telephone or to use the telephone on behalf of the applicant/client.
 - 2) into/out of bed
 - A) Part A scoring will reflect the applicant's/client's ability to get into or out of bed or other usual sleeping place.
 - B) Part B scoring will reflect the availability of assistance, if needed, to aid/motivate the applicant/client in getting into and out of bed.
 - 3) outside home, shopping, and managing money
 - A) Part A scoring will reflect the applicant's/client's ability to leave and return home and complete daily living tasks which are normally transacted outside of the home.
 - B) Part B scoring will reflect the availability of assistance, if needed, to assist the applicant/client in completing these tasks.
 - 4) preparing meals and eating
 - A) Part A scoring will reflect the applicant's/client's ability to plan, prepare, and feed himself/herself a nutritionally balanced meal.
 - B) Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in the planning, preparing and feeding of a nutritious meal.
 - 5) housework and laundry
 - A) Part A scoring will reflect the applicant's/client's ability to adequately do household and laundry tasks

Necessary for maintaining minimum hygienic conditions:

- B) Part B scoring will reflect the availability of assistance and facilities, if needed, to aid the applicant/client in satisfactorily completing all tasks associated with housework and laundry.
- 6) dressing, grooming and bathing
 - A) Part A scoring will reflect the applicant's/client's ability to adequately perform tasks necessary for minimum personal hygiene standards and to appropriately dress himself/herself.
 - B) Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in satisfactorily attending to personal hygiene and dressing tasks.
- 7) bowel/bladder
 - A) Part A scoring will reflect the applicant's/client's ability to respond to bowel and bladder needs, including the ability to use associated devices if necessary.
 - B) Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in adequately responding to these biological needs.
- 8) routine health and special health
 - A) Part A scoring will reflect the applicant's/client's ability to perform and/or participate in the performance of medical instructions prescribed by a medical professional in order to maintain the applicant's/client's health.
 - B) Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in following through with routine medical instructions or, in the case of specialized medical instructions, the availability of specially trained resources as necessary.
- 9) being alone
 - A) Part A scoring will reflect the applicant's/client's ability to be left alone and to recognize, avoid, and respond to danger/emergencies.

DEPARTMENT ON AGING
NOTICE OF PROPOSED AMENDMENTS

- B) Part B scoring will reflect the availability of assistance, if needed, to aid and supervise the applicant/client to avoid danger/respond to emergencies:

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 240.720 Clients Prior to July 6, 1982 Effective Date of This Section

For individuals whose eligibility for the Community Care Program (CCP) was determined prior to July 6, 1982, the effective date of this Section and who have been continuously served since that date, determination of initial eligibility shall have their need for long term care shall be established by receipt of a minimum of eleven (11) points; six (6) of which must be scored in Part A; Functional Impairment, of the CCP the following scores on the Determination of Need:

- a) Individuals scoring from 11 thru 27 points having a combined score on Part A and Part B from zero (0) through twenty-eight (28) points, or who have twenty-nine (29) or more points overall but fail to receive at least fifteen (15) points on Part A shall be eligible for services costing no less than \$1 and not to exceed \$150 \$160 monthly;
- b) Individuals scoring from 28 thru 32 points having a combined score on Part A and Part B of twenty-nine (29) points or more with a minimum of fifteen (15) points on Part A shall be eligible for services costing no less than \$1 and not to exceed \$431 monthly; have their need for long term care established in accordance with Section 240.725.
- c) Individuals scoring from 33 thru 45 points shall be eligible for services costing no less than \$1 and not to exceed \$538 monthly;
- d) Individuals scoring from 46 thru 56 points shall be eligible for services costing no less than \$1 and not to exceed \$598 monthly;
- e) Individuals scoring from 57 thru 67 points shall be eligible for services costing no less than \$1 and not to exceed \$717 monthly;
- f) Individuals scoring from 68 thru 78 points shall be eligible for services costing no less than \$1 and not to exceed \$842 monthly;
- g) Individuals scoring from 79 thru 87 points shall be eligible for services costing no less than \$1 and not to exceed \$911 monthly;
- h) Individuals scoring from 88 thru 96 points shall be eligible for services costing no less than \$1 and not to exceed \$989 monthly;

ILLINOIS REGISTER
DEPARTMENT ON AGING
NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 240.725 Clients After July 6, 1982 Effective Date of This Section

Need for long term care shall be established for individuals whose eligibility for the Community Care Program (CCP) is determined on or after July 6, 1982; the effective date of this Section shall have their need for long term care established by receipt of a minimum score of twenty-eight (28) twenty-nine (29) points, eighteen (18) fifteen (15) of which must be scored in Part A; Functional Ability" Part A, Level of Impairment, of the Determination of Need.

- a) Individuals scoring from 28 29 thru 32 points shall be eligible for services costing no less than \$1 and not to exceed \$431 \$465 monthly;
- b) Individuals scoring from 33 thru 45 points shall be eligible for services costing no less than \$1 and not to exceed \$538 \$580 monthly;
- c) Individuals scoring from 46 thru 56 points shall be eligible for services costing no less than \$1 and not to exceed \$598 \$690 monthly;
- d) Individuals scoring from 57 thru 67 points shall be eligible for services costing no less than \$1 and not to exceed \$717 \$880 monthly;
- e) Individuals scoring from 68 thru 78 points shall be eligible for services costing no less than \$1 and not to exceed \$842 \$1020 monthly;
- f) Individuals scoring from 79 thru 87 points shall be eligible for services costing no less than \$1 and not to exceed \$911 \$1200 monthly;
- g) Individuals scoring from 88 thru 96 100 points shall be eligible for services costing no less than \$1 and not to exceed \$989 \$1400 monthly.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 240.855 Applicant/Client Expense for Care

The requirements of Section 240.855 are not applicable to those individuals determined eligible prior to July 6, 1982, and who have had continuous service since that time. Continuous service is defined as service which has not been interrupted by a termination as defined terminated for any of the

reasons specified in Section 240.950.

a) An eligible applicant/client of the Community Care Program (CCP) or the applicant's/client's authorized representative shall sign the Client Agreement - Plan of Care agreeing to pay to the vendor a portion of all income in excess of the following thresholds, but net in excess of the federal poverty level to the vendor for expense to be incurred for monthly for care. based upon family size, the number in the family receiving Community Care Program (CCP) services, and the Determination of Need (DON) score for CCP services provided to the eligible applicant/ client by the vendor:

Family Size	1	2	3 or more
Threshold	\$426	\$639	Add \$89 to \$639 base for each additional family member

- 1) Adjustments in the federal poverty level shall be made annually and shall become effective the first day of each State fiscal year.
- 2) Payments to the vendor shall not exceed the client's expense incurred monthly for care.
- b) Refusal by the eligible applicant/authorized representative to sign the required Client Agreement - Plan of Care for payment of the expense for care to be incurred monthly for care, in accordance with this Section, shall result in denial of the application.
- c) Refusal of a by the client/authorized representative to sign the required Client Agreement - Plan of Care for payment of the expense to be incurred monthly for care, during a redetermination of eligibility, shall result in termination of CCP services.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 240.870 Determination of Applicant/Client Monthly Expense for Care

The amount of the expense which will be incurred monthly for Community Care Program (CCP) services by the eligible applicant/client shall be determined in the following manner:

a) The amount of the expense which will be incurred for Community Care Program (CCP) services and to be assessed the eligible applicant/client shall be determined by the following criteria

Calculate available income by:

1) multiplying units of service(s) provided by the following client fixed fee share rates:

Homemaker -- \$5-85 per unit
Chore-Housekeeping -- \$5-30 per unit
Adult Day Care -- \$18-50 per unit

determining applicant/client/family total monthly non-exempt income, and

2) referring to Community Care Program Fee Schedules and utilizing the applicant's/client's available income, as determined by Section 240-855, and the monthly incurred expense for care determined by subsection (a){i} above deducting the protected income, which is based upon the effective federal poverty level and the number of persons in the family.

- b) The determination of applicant/client expense for care provided by the use of Community Care Program Fee Schedules shall be based upon the following criteria Determine the applicant's/client's monthly cost for care by multiplying the units of service(s) provided each month to the applicant/client by the following client fixed fee share rates:
- Homemaker -- \$5-85 per unit
Chore-Housekeeping -- \$5-30 per unit
Adult Day Care -- \$18-50 per unit
- 1) For persons scoring up to and including 56 total points on the Determination of Need (DON): Dividing the applicant/client expense to be incurred for care by provision of CCP services; based upon the approved applicant/client plan of care, by the result of 598 multiplied by the number of family members to receive CCP services:
- 2) For persons scoring more than 56 points on the DON: Dividing the applicant/client expense to be incurred for care by provision of CCP services; based upon the approved applicant/client plan of care by the result of 844 multiplied by the number of family members to receive CCP services:
- 3) Multiplying the quotient derived from 1 or 2 above by: Total family income minus the applicable threshold (Refer to Section 240-855):
- c) In the event two or more members of a family are receiving

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

Community Care Program services; the selection of (b) 1 or 2 above will depend upon the highest point count scored. Select the appropriate CCP Fee Schedule, based upon:

- 1) the number of persons in the family who are receiving CCP services, and
- 2) a score of 56 or fewer total points or a score of 57 or more total points on the Determination of Need.
- 3) If two or more members of a family are receiving CCP services, the selection of the appropriate Fee Schedule will be based upon the highest point count scored.
- d) Use the available income and the applicant's/client's monthly cost for care with the appropriate Fee Schedule to determine the amount of applicant/client expense which will be incurred monthly for CCP services.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 240.920 Reasons for Denial

Denial of Community Care Program (CCP) eligibility shall be based upon one or more of the reasons identified below:

- a) Applicant is less than sixty (60) years of age at the time of the determination of eligibility.
- b) Applicant is not in need of CCP services: scored less than twenty-eight (28) twenty-nine (29) total points/ less than eighteen (18) fifteen (15) points in on part A, Functional Level of Impairment, on of the CCP Determination of Need.
- c) Applicant refuses to sign Client Agreement - Plan of Care.
- d) Applicant refuses to pay sign Client Agreement - Plan of Care based upon the expense to be incurred for care monthly as required by Section 240.855 on the Client Agreement - Plan of Care.
- e) Applicant does not agree with plan of care/hours of service.
- f) Applicant is deceased.
- g) Applicant has been institutionalized prior to for more than sixty (60) calendar days from the date of disposition of application.
- h) Applicant voluntarily withdraws application.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- i) Applicant cannot be located to determine eligibility/provide CCP services.
- j) Applicant has not provided reasonable documentation supporting eligibility as required by the Department or its Case Coordination Unit (CCU) within sixty (60) calendar days from the date of receipt of the completed application.
- k) Applicant has not cooperated with the Department/CCU/vendor as required and as specified by Section 240.350.
- l) Applicant does not meet citizenship requirements.
- m) Applicant does not meet residency requirements.
- n) A plan of care cannot be developed that adequately meets the applicant's determined needs.
- 1) Such The determination that an adequate plan of care cannot be developed shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the supportive endorsement that an adequate plan of care cannot be developed shall be so documented.
- 2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care cannot be developed in accordance with Section 240.715.
- o) The total value of applicant's non-exempt assets are is in excess of \$10,000.
- p) Applicant has not provided the Physician, Nurse Practitioner, Registered Nurse or Christian Science Practitioner endorsement as required by Section 240.730(d).
- q) Eligibility could not be established for an applicant who was receiving interim services based upon presumptive eligibility as required by Section 240.1020.
- r) Applicant provided fraudulent information.
- s) Applicant whose CCP services were previously denied or terminated for non-cooperation as set forth in Section 240.350 shall be denied services upon re-application, except as the situation or condition which led to the memorandum of understanding (See Section 240.350) has been permanently resolved.

- t) An applicant has an outstanding bill for CCP services provided prior to this application which he/she refuses to pay.
- u) Applicant chooses not to receive CCP services from the list of authorized vendors and has so indicated on the Client's Vendor Selection form.
- v) An applicant received interim services in the past for which an incurred expense was never paid.
- w) Applicant has transferred non-exempt assets within the past two years for the purpose of obtaining CCP services.
- x) Applicant refuses to accept provision of services by a Department authorized vendor.
- yx) Applicant has not reported or refused to provide documentation of changes in circumstances which have occurred prior to eligibility determination as required by Section 240.360.

(Source: Amended at 14 Ill. Reg. _____, effective _____)
Section 240.1020 Interim Services
Interim services are Community Care Program (CCP) services provided to individuals age 60 and over on an interim basis, dependent upon the applicant's presumptive eligibility and subsequent to following prescreening of the applicant.

- a) Presumptive eligibility shall be based upon the following criteria:
 - 1) an application has been completed by an individual age 60 and over, or by the individual's authorized representative, following prescreening.
 - 2) Notification has been received by the appropriate Case Coordination Unit (CCU) from a hospital or from an individual or agency in the community that the applicant is at imminent risk of Intermediate Care Facility (ICF) or Skilled Nursing Facility (SNF) nursing facility three (3) work days.
 - 3) A Physician, Nurse Practitioner, Registered Nurse, or Christian Science Practitioner has certified in writing that the applicant is unable to remain safely in his/her home without the provision of in-home or community-based services and is, therefore, at imminent risk of ICF or SNF nursing facility placement within three (3) work days. The Physician, Nurse Practitioner, Registered Nurse, or Christian Science

- Practitioner further certifies that the proposed CCP plan of care will enable the applicant to remain at home safely.
- 4) A CCP The Determination of Need (DON) has been administered and the applicant has received the minimum required score of 18 fifteen (15) points on Part A, Level of Impairment, and a total score of at least 28 twenty-nine (29) points on the DON.
- 5) The applicant has provided declared information on all other CCP eligibility requirements.
- 6) The Interim Client Agreement has been fully executed, the applicant has completed a Client's Vendor Selection form in accordance with Section 240.330, and the vendor has been notified.
- 7) The determination of presumptive eligibility shall be completed and the vendor notified within three (3) work days from the date of receipt of the completed application (or notice of the completion of the application) by the CCU.

- b) When presumptive eligibility has been determined and interim services are approved in accordance with the plan of care, services shall be initiated by the vendor to the applicant within two (2) work days from the date of notification to the vendor of the applicant's presumptive eligibility.
- c) A DON shall be administered in the home of the applicant by the CCU within fifteen (15) calendar days from the date of initiation of services discharge of the applicant from a hospital, or notification by an individual or agency in the community that the applicant is at imminent risk of institutionalization. The formal determination of eligibility for CCP services shall be completed within sixty (60) calendar days from the date of receipt of the completed application (or notice of the completion of the application) by the CCU.
- d) Interim services may continue up to a maximum of sixty (60) calendar days from the date of application pending finalization of the formal determination of eligibility by the CCU. Services shall be denied at any time during the sixty (60) calendar day interim service period:
 - 1) if evidence of ineligibility, based upon any eligibility requirement, is determined; or
 - 2) if the applicant fails to cooperate in the determination of eligibility process; or

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 3) as specified in Section 240.660, in the event that an applicant's eligibility cannot be determined due to the applicant's failure to provide reasonable documentation (factual information to substantiate provided information when provided information is contradictory or not specific) within sixty (60) calendar days from the date of receipt of the completed application form (or notice of the completion of the application) by the CCU; or
- 4) if a plan of care cannot be developed which adequately meets the applicant's determined needs (see Section 240.920(n)).
- e) Notification of eligibility or ineligibility shall be provided in writing as required by Section 240.910. If eligibility is denied, provision of interim services shall cease on the same date as the date of the Case Action Notice.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 240.1950 Adult Day Care Fixed Unit Rates

Adult day care vendors under contract with the Department shall be uniformly reimbursed for the provision of adult day care service at the rates established by the Department. The reimbursable units of adult day care services shall be as follows:

- a) One unit of adult day care service is defined in Section 240.230(c)(1) as a minimum of five (5) direct client contact hours (excluding transportation time) provided to a client.
 - 1) The Community Care Program will not reimburse for more than one (1) unit of adult day care service in a twenty-four (24) hour period.
 - 2) The rate will reflect a rate differential based upon the following:
 - A) for each adult day care client receiving a Determination of Need (DON) score on Part A, Level of Impairment, of 28 twenty-four (24) or less points; or
 - B) for each difficult to serve adult day care client receiving a DON score on Part A, Level of Impairment, of 29 twenty-five (25) or more points.
- b) One unit of documented adult day care transportation provided by the adult day care vendor is defined in Section 240.230(c)(2) as a one-way trip per client to or from the adult day care site and the client's home.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 1) No more than two (2) units of transportation shall be provided per client in a twenty-four (24) hour period.
- 2) A unit of transportation shall not include transportation on outings, trips to physicians, shopping or other miscellaneous trips.
- c) For the adult day care contract specific entities as cited in Section 240.1940(b), the single rate structure will apply to all service components described in Section 240.230 with no rate differential for the Determination of Need score or transportation as described in subsections (a)(2)(A), (a)(2)(B), and (b) above.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties

2) Code Citation: 56 Ill. Adm. Code 2765

3) Section Number: Proposed Action:
2765.50 Amended Section
2765.66 New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 578, 579, 610, 611 and 750, as amended by P. A. 86-3, effective July 1, 1989).

5) A Complete Description of the Subjects and Issues Involved: This proposed amendment provides for good cause for waiver of interest accrued prior to January 1, 1988 if the employer meets certain conditions with respect to reliance on the belief that certain workers were not in employment under the Act.

6) Will the proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objective? Not Applicable.

11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 27, 1989.

Types of small businesses affected: All businesses subject to the Unemployment Insurance Act which, prior to January 1, 1988, relied on a belief that certain workers were not its employees for unemployment insurance purposes.

Reporting, bookkeeping or other procedures required for compliance: None - this amendment only sets forth additional grounds which would constitute good cause for waiver under the Act.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2765

PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

SUBPART A: GENERAL PROVISIONS

Section

2765.1 Unemployment Contributions Not Deductible From Wages
 2765.5 Definitions
 2765.10 Payment Of Contributions
 2765.15 Liability For The Entire Year
 2765.20 Contributions Of Employers By Election
 2765.25 Payments In Lieu Of Contributions
 2765.30 When Payments In Lieu Of Contributions Payable
 2765.35 Payments When Reimbursable Employer Becomes Contributory
 2765.40 Payments When Contributory Employer Becomes Reimbursable
 2765.45 Application Of Payment
 2765.50 Accrual Of Interest
 2765.55 Imposition Of Penalty
 2765.60 Payment Or Filing By Mail
 2765.63 When Payment Due And Consequences Of Upward Revision In Employer's Contribution Rate
 2765.65 Waiver Of Interest Or Penalty
 2765.66 Waiver Of Interest Accruing Because Of Certain Types Of Employees For Periods Prior To January 1, 1988
 2765.68 Waiver Of Penalty For Certain Employers For 1987 And Thereafter Wage Reports (UC-3/40)
 2765.70 Time For Paying Or Filing Delayed Payment Or Report
 2765.75 Application For Waiver
 2765.80 Approval Of Application For Waiver
 2765.85 Insufficient Or Incomplete Application
 2765.90 Disapproval Of Application Conclusive
 2765.95 Appeal And Hearing

SUBPART B: EXPERIENCE RATING

2765.200 Effect Of A Successor Employing Unit's Failure To Notify The Director Of Its Succession

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

SUBPART C: BENEFIT CHARGES

2765.325 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
 2765.326 Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
 2765.332 Effect Of Ineligibility Under Section 602(B) On Chargeability Under Section 1502.1 Of The Act
 2765.333 Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act
 2765.334 Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act
 2765.335 Procedural Requirements And Right Of Appeal

AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1508, 1509, 1700, 1701 and 2600 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 578, 579, 610, 611 and 750, as amended by P. A. 86-3, effective July 1, 1989).

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendments at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendments at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2765.50 Accrual of Interest

- a) The contributions or payments in lieu of contributions (reimbursements) shall bear interest from the day following the due date of such contributions or

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

reimbursements, up to and including the day payment is made, as shown by the date of the postmark thereon, if mailed; except that, after December 31, 1987, payments received more than 30 days after the due date shall deemed to have been received on the last day of the month preceding the month in which such payment is received. For example, a payment which was due on April 30, 1988, but received on July 14, 1988, shall be deemed, for the purpose of calculating interest, to have been received on June 30, 1988. Interest accrues at the rate of 1% per month and 1/30 of 1% per day or fraction thereof through December 31, 1981. After 1981, such interest will accrue at the rate of 2% per month, calculated at 12/365 of 2% for each day.

- b) The Director may waive interest for good cause as provided in Sections 2765.65 and 2765.66.

(Source: Amended at 14 Ill. Reg. _____, effective _____)
Section 2765.66 Waiver Of Interest Accruing Because Of Certain Types Of Employees For Periods Prior To January 1, 1988

- a) The Director shall find good cause for the waiver of any interest upon contributions due and owing for a period prior to January 1, 1988 based on the employment of an individual where:

- 1) The employer or its predecessor has not treated any individual holding a substantially similar position as an employee for purposes of the Act, or for Federal Unemployment Tax Act (FUTA), Internal Revenue Code or Social Security Act purposes; and;
- 2) The employer's treatment of such individual was in reasonable reliance upon:

A) A judicial precedent or an Internal Revenue Service letter ruling for the employer; or,

B) A past agency audit of such employer where there was no assessment attributable to the treatment of individuals

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

holding positions substantially similar to the position held by such individual; or,

- C) A long-standing industry practice recognized by a significant segment of the industry in which such individual or employer is engaged.

- b) The provisions of Section 2765.70 shall not be applicable to requests for waiver under this Section.

- c) The payment of all contributions assessed, within 30 days from the effective date of this Section or within 30 days from the date that such assessment becomes final, if such date is later, is a condition precedent to an application for waiver (see Section 2765.75) pursuant to this Section.

Example: During the course of a hearing pursuant to 56 Ill. Adm. Code 2725.200 et seq., the employing unit requests, on the record, that, if the subject assessment is affirmed, in full or in part, it be granted waiver pursuant to this Section. If it is recommended that the assessment be affirmed, in full or in part, the Director's Representative shall also recommend a decision with respect to the request for waiver. If such recommendation is to deny, objections may be filed in the same manner and within the same time limits as set forth in 56 Ill. Adm. Code 2725.275. If the request for waiver is granted, but the contributions assessed are not paid within 30 days from the date that the assessment becomes final, then the request for waiver shall be deemed to have been denied as of the date of the decision which had granted the waiver.

- d) Notwithstanding any other provisions of this Part, no employer shall be entitled to a refund or credit of any interest paid prior to the adoption of this Section.

(Source: Added at 14 Ill. Reg. _____, effective _____)

ILLINOIS DEPARTMENT OF LABOR

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

1) The Heading of the Part: Nurse Agency Licensing Act

2) Code Citation: 68 Ill. Adm. Code 690

3) Section Numbers: Proposed Action:

Section	690.10	690.100	690.190
	690.20	690.110	690.200
	690.30	690.120	690.210
	690.40	690.130	690.220
	690.50	690.140	690.230
	690.60	690.150	690.240
	690.70	690.160	690.250
	690.80	690.170	690.260
	690.90	690.180	690.270

All New Sections

4) Statutory Authority: P.A. 86-817, effective July 1, 1990.

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing rules to implement the Nurse Agency Licensing Act, which requires any business that employs, assigns or refers nurses or certified nurse aides to health care facilities to be licensed by the Department of Labor.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate. The rules affect those in the business of referring or assigning nurses and certified nurse aides to health care facilities.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning these rules by writing to Kathy McCreery, Illinois Department of Labor, Room 300, One West Old State Capital Plaza, Springfield, Illinois 62701 within 45 days after this issue of the Illinois Register. In addition a public hearing will be conducted in Chicago at 310 South Michigan Avenue, 10th Floor, on Wednesday, February 7, 1990 at 11:00 a.m..

These rules may have an impact on small businesses. In accordance with Section 3.101 and 4.032 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Kathy McCreery at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate its status as such, in writing, in its comments.

12) Initial Regulatory Flexibility Analysis:

a) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

January 9, 1990

b) Types of small business affected:

All businesses that refer or assign nurses or certified nurse aides to Illinois health care facilities.

c) Reporting, bookkeeping or other procedures required for compliance:
Bookkeeping skills and knowledge of standard business operating procedures.

d) Types of professional skills necessary for compliance:
None.

The full text of the Proposed Rules begins on the next page.

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER III: DEPARTMENT OF LABOR

PART 690
NURSE AGENCY LICENSING ACT

Section	
690.10	Delegation of Authority
690.20	Definitions
690.30	Licensure
690.40	Contents of Application
690.50	Fee Schedule
690.60	Expiration and Renewal
690.70	Standards For Operation of an Agency
690.80	Application for Employment, Assignment, or Referral
690.90	Prerequisites for Employment, Assignment, or Referral
690.100	Continuing Verification
690.110	Evaluation Forms
690.120	Conditions of Employment, Assignment or Referral
690.130	Advertisements
690.140	Reporting Changes in Management and Stockholders
690.150	Transfer of Ownership
690.160	Records
690.170	Right to Investigate
690.180	Complaints and Investigations
690.190	Denial of Initial License
690.200	Denial of Renewal or Revocation of License
690.210	Suspension of License
690.220	Hearings
690.230	Considerations in Reaching a Decision
690.240	Fines
690.250	Subpoena
690.260	Determination
690.270	Administrative Review

AUTHORITY: Implementing and authorized by the Nurse Agency Licensing Act, P.A. 86-817.

SOURCE: Adopted at ____ Ill. Reg. ____, effective ____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 690.10 Delegation of Authority

The Director of Labor or his/her designated representative of the Department shall have the power and authority to enforce and administer the Illinois Nurse Agency Act, except the authority to make a final decision in a matter after a formal hearing, which authority remains with the Director. The decision of the Director shall be considered a final Order.

ILLINOIS REGISTER

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

Section 690.20 Definitions

In addition to those definitions found in Section 3 of the Nurse Agency Licensing Act (the Act), the following definitions shall apply for the purpose of these regulations:

- a) "Act" means the Nurse Agency Licensing Act.
- b) "Applicant" means any nurse, licensed practical nurse or certified nurse aide who interviews for employment, assignment or referral to an Illinois health care facility by a nurse agency.
- c) "Certified Nurse Aide" means a nursing assistant, including a nurse's aide, orderly, or nurse technician registered with the Department of Public Health in accordance with Section 3-206 of the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4153-206).
- d) "DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF LABOR.
- e) "DIRECTOR" MEANS THE DIRECTOR OF THE ILLINOIS DEPARTMENT OF LABOR and/or his/her designated representative.
- f) "Full time Equivalent" means 2080 hours in a twelve month period accumulated by either one or more theoretical nurses or nurse aides referred by an agency to a health care facility.
- g) "Health care facility" means a facility as defined in Section 3 of the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1153) and includes the following:
 - 1) an ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 157-8.1 et seq.);
 - 2) an institution, place, building or agency required to be licensed pursuant to the Hospital Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.);
 - 3) any institution required to be licensed pursuant to the Nursing Home Care Reform Act of 1979 (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.);
 - 4) any kidney disease treatment center, including a free standing hemodialysis unit;
 - 5) any health maintenance organization required to be operated pursuant to the Health Maintenance Organization Act (Ill. Rev.

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

Stat. 1987, ch. 111 1/2, par. 1401 et seq.) and which (A) is a qualified health maintenance organization under Section 1310(d) of the Public Health Services Act (42 U.S.C. 300e-9) or (B)(i) provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out of area coverage; (ii) is compensated (except for co-payments) for the provision of the basic health care services listed in clause (i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provide physicians' services primarily (i) directly through physicians who are either employees or partners of such organization, or (ii) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis);

e) any hospital, nursing home, ambulatory surgical treatment center, kidney disease treatment center, or health maintenance organizations maintained by the State or any department or agency thereof, but not a federally owned facility.

h) "Licensed practical nurse" means a person licensed under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.) as a licensed practical nurse and practices practical nursing, which is the performance for compensation of acts in the care of the ill, injured, or infirmed, selected by and performed under the direction of a registered professional nurse, licensed physician, dentist, or podiatrist, requiring the basic nursing skill, judgment, and knowledge acquired by means of a completed course of study in an approved practical nursing education program.

i) "LICENSEE" MEANS ANY NURSE AGENCY WHICH IS PROPERLY LICENSED UNDER THIS ACT.

j) "Manage" means to be in charge of the day to day operations of the agency.

k) "NURSE" MEANS A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987, AS NOW OR HEREFTER AMENDED.

l) "NURSE AGENCY" MEANS ANY INDIVIDUAL, FIRM, CORPORATION, PARTNERSHIP OR OTHER LEGAL ENTITY THAT EMPLOYS, ASSIGNS OR REFERS NURSES OR

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

CERTIFIED NURSE AIDES TO A HEALTH CARE FACILITY FOR A FEE, but does not include:

- 1) home health agencies licensed and operated under the Home Health Agency Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2801); or
- 2) a licensed or certified individual who provides his own services to a health care facility; or
- 3) a subsidiary, division or other organizational entity or corporation that is wholly owned by a health care facility that provides the services of nonsalaried employees only in that facility.

m) "Registered nurse" means a person who is licensed as a professional nurse under the Illinois Nursing Act (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.) and practices professional nursing, in all its specialties, which is the performance for compensation of any nursing act, in the nursing evaluation, observation, care and counsel of the ill, injured, or infirmed; in the maintenance of health or prevention of illness of others; the administration of medications and treatments as prescribed by a licensed physician, dentist, or podiatrist; or any act in the supervision or teaching of nursing, which requires substantial, specialized judgment and skill the proper performance of which is based on knowledge and application of the principles of biological, physical, and social science acquired by means of a completed course in an approved school of professional nursing, except those acts of medical diagnosis or prescription of therapeutic or corrective measures which are properly performed only by physicians licensed in the State of Illinois.

n) "Supervising Nurse" means a registered nurse who is responsible for assigning the nurses and certified nurse aides to health care facilities.

o) "Transfer of Ownership" means a sale or transfer of a majority interest in the ownership of a nurse agency.

Section 690.30 Licensure

- a) No nurse agency, whether located within or outside the boundaries of the State of Illinois, assigning or referring nurses or certified nurse aides to Illinois health care facilities, shall be established, operated, maintained or advertised until such agency has been issued a license by the Department.

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

- b) A separate license must be issued for each location from which a nurse agency will be operated unless the nurse agency is owned and managed by the same individual, firm, corporation, partnership or other legal entity.
- c) An agency that is licensed as a home health care agency must also be licensed as a nurse agency if it is referring or assigning nurses or certified nurse aides to health care facilities unless the assignment or referral is as a private duty nurse or certified nurse aide for the benefit of a particular individual with payment for the services made by, or on behalf of, that individual.
- d) An agency that is licensed as a private employment agency must also be licensed as a nurse agency if it refers nurses or certified nurse aides to health care facilities unless such referral is only for purposes of full time employment by the health care facility.

Section 690.40 Contents of Application

An application to operate a nurse agency shall be made on a form provided by the Department. The application and information submitted with an application are considered exempt from disclosure under section 7(b)(iii) of the Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, par. 207). The application shall contain but is not limited to the following:

- a) NAME AND ADDRESS, OF THE PERSON, PARTNERSHIP, CORPORATION OR OTHER ENTITY THAT IS THE APPLICANT;
- b) IF THE APPLICANT IS A CORPORATION, a copy of its articles of incorporation, A COPY OF ITS CURRENT BYLAWS AND THE NAMES AND ADDRESSES OF ITS OFFICERS AND DIRECTORS AND THE NAMES AND ADDRESSES OF SHAREHOLDERS OWNING MORE THAN 5% OF THE CORPORATION'S STOCK;
- c) THE NAME AND LOCATION OF PREMISES FROM WHICH THE APPLICANT WILL PROVIDE SERVICES;
- d) THE NAME AND ADDRESS OF THE PERSON UNDER WHOSE MANAGEMENT OR SUPERVISION THE NURSE AGENCY WILL BE OPERATED;
- e) the name, address, and qualifications of the supervising nurse, if not the same as the person in item (d);
- f) a statement of financial resources setting forth the financial condition of the applicant or a surety bond in an amount of \$20,000;
- g) A STATEMENT DETAILING THE EXPERIENCE AND QUALIFICATIONS OF THE APPLICANT TO OPERATE A NURSE AGENCY;

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

- h) evidence of compliance, or intent to comply, with State or Federal laws relating to employee compensation and employment practices.
- i) A certificate of insurance showing the agency has PROFESSIONAL LIABILITY INSURANCE IN THE AMOUNTS OF AT LEAST \$500,000 PER INCIDENT AND \$1,000,000 IN AGGREGATE;
- j) a copy of the nurse agency's written personnel policies and procedures;
- k) an application must be signed and notarized.

Section 690.50 Fee Schedule

- a) The application must be accompanied by a \$250.00 fee. This fee is subject to change through rulemaking.

- b) The fee shall be paid by certified check, cashier's check or money order made payable to the Illinois Department of Labor.

Section 690.60 Expiration and Renewal

- a) Each license shall be a for a term of one year and shall expire one year from the date of issuance unless the Department revokes or suspends the license sooner or the nurse agency changes ownership. A period of suspension does not extend the license for any period of time.

- b) A licensee must apply for renewal AT LEAST 120 DAYS, BUT NOT MORE THAN 150 DAYS, PRIOR TO THE EXPIRATION.

Section 690.70 Standards For Operation of an Agency

- a) EACH LICENSEE SHALL HAVE A REGISTERED NURSE SERVING AS MANAGER OR SUPERVISOR OF ALL NURSES AND CERTIFIED NURSES AIDES.
- b) Each licensee shall develop and maintain written personnel policies and procedures with regard to its nurses and certified nurse aides, which shall comply with the minimum standards set forth in this section and shall include, but not limited to:
 - 1) An in-person interview of an applicant performed or supervised by a registered nurse;
 - 2) Reference checks of an applicant;
 - A) Every licensee shall check at least two recent references and dates of employment listed on the application unless

ILLINOIS DEPARTMENT OF LABOR
NOTICE OF PROPOSED RULES

the applicant has not had two previous employers;

- b) Such verification may be in writing, in person or by telephone. The licensee shall keep a written record of such reference checks.
- 3) With respect to each applicant:
 - A) Verify with the appropriate state agency the applicant is licensed or registered as stated on application;
 - 4) A physical examination which shall include a Mantoux tuberculosis test which is administered by a licensed physician who shall certify that the nurse or certified nurses aide is in satisfactory health and free of communicable, contagious or infectious diseases and note the date of the examination on the certification.
 - 5) An annual evaluation of each nurse or certified nurse aide;
 - 6) Orientation procedures.

Section 690.80 Application for Employment, Assignment, or Referral

Each licensee shall require an applicant to complete in writing an application form which contains, but is not limited to the following:

- a) Name and address of the applicant with verification of the applicant's identity by means of a valid driver's license, Secretary of State's identification card, passport or other appropriate identification which includes a photograph of the applicant;
- b) Number and date of applicant's current and valid professional license or certification;
- c) Disclosure of any past disciplinary actions by either the State of Illinois or any other state professional licensing agency;
- d) Dates and places of the most recent previous employment references;
- e) A licensed physician's dated statement completed within the last twelve (12) months, that the applicant:
 - 1) is in satisfactory health, free of communicable, contagious or infectious disease;
 - 2) has been administered the Mantoux tuberculosis test;
- f) Has completed skill inventory and listed clinical areas of

ILLINOIS DEPARTMENT OF LABOR
NOTICE OF PROPOSED RULES

competence.

Section 690.90 Prerequisites for Employment, Assignment, or Referral

a) Every licensee shall verify with the appropriate state agency that the applicant:

- 1) is currently licensed or registered as stated on the application;
- 2) has no outstanding fines;
- 3) is not on probation;
- 4) does not have any disciplinary action pending.
- b) No licensee shall employ, assign or refer any applicant until the licensee has checked the applicant's references;
- c) A licensee may employ, assign, or refer an applicant for a period not to exceed ten days if the licensee has verified the current license or certification by telephone with the appropriate department and has requested such verification in writing. Any verification by telephone must be noted in writing, indicating the agency employee who asked for verification, and the date of the verification.
- d) If the appropriate department has not provided written verification within ten days, the licensee must contact the Illinois Department of Labor before employing, assigning or referring an applicant.
- e) No licensee shall assign or refer an applicant to any health care facility unless that health care facility has provided the nurse agency a copy of its relevant written administrative and nursing care policies and procedures.
- f) No nurse agency shall assign or refer an applicant to a health care facility unless the health care facility has provided a job description setting forth the required skills.
- g) Each nurse agency shall review with the nurse or nurse aide being referred to a particular health facility, the administrative and nursing care policies and procedures provided by that health care facility.

Section 690.100 Continuing Verifications

- a) Monthly, the Nurse Agency shall review the disciplinary report published by the Department of Professional Regulation to determine

NOTICE OF PROPOSED RULES

whether any nurse it employs, assigns or refers has been subject to any disciplinary action.

- b) Once a year the Nurse Agency shall verify that any certified nurse aide it employs, assigns or refers continues to be certified and is not on the abuse register.
- c) Once every two years the agency shall verify that a nurse continues to hold a valid, unencumbered license.

Section 690.110 Evaluation Forms

- a) After first shift, licensee shall mail to the health care facility a form on which the applicant may be evaluated for:

- 1) applicant's qualifications to perform job for which referred.
- 2) performance of applicant.

- b) Licensee shall complete an annual performance evaluation of applicant. Information provided by the health care facility may be used for this purpose.

Section 690.120 Conditions of Employment, Assignment, and Referral

- a) As stated in Section 12 of the Act, a nurse agency may be required to indemnify a health care facility if the nurse agency was negligent in assigning or referring an applicant whose actions cause harm to a patient or resident of a health care facility.
- b) No licensee shall require, as a condition of employment, assignment or referral, that any nurse and certified nurse aide recruit nurses or certified nurse aides for the licensee from among the permanent employees of the health care facility to which the licensee's nurses or certified nurse aides have assigned or referred.
- c) Health care facilities are PROHIBITED FROM REQUIRING, AS A CONDITION OF EMPLOYMENT, THAT THEIR EMPLOYEES RECRUIT NEW EMPLOYEES FROM THESE NURSE AGENCY EMPLOYEES.

Section 690.130 Advertisements

- a) No licensee shall publish or cause to be published or circulated any false or fraudulent or misleading information, representation, promise of notice by advertising, or in any other way make false statements or misrepresentation to any person seeking referral to health facilities or to any health facility seeking the services of nurses of certified nurse aides.

NOTICE OF PROPOSED RULES

- b) All advertisements and notices, published in an manner, by any licensee shall carry the name and address under which the licensee is licensed.
- c) Each licensee must maintain a file of all job advertisements identified by date and publication. Such records shall be retained for one year from the date of publication.

Section 690.140 Reporting Changes in Management and Stockholders

- a) Each licensee shall report to the Department within thirty business days any changes in its management, including changes in the personnel who manage or supervise the licensee or the registered nurse who supervises the nurses or certified nurse aide.
- b) Each licensee shall report to the Department within five (5) business days, any changes in supervisory or managerial personnel.
- c) Each licensee which is a corporation shall report on a monthly basis any changes in the list of stockholders who own more than 5% of its stock.

Section 690.150 Transfer of Ownership

- a) Each licensee whose ownership is to be transferred shall report to the Department the name of the transferee and the anticipated date of the transfer.
- b) The anticipated transferee shall apply for a license at least 45 days before the anticipated transfer.
- c) The Department may issue a license to a transferee to become effective on the date of the transfer, and the transferor's license will become void on the date the transferee's license becomes effective. The transferor shall notify the Department the day the transfer is effected.

Section 690.160 Records

- a) All applications for employment, assignment, referral and verifications of the claims shall be kept on the premises of the licensee and shall be open to inspection without notification during regular business hours by the Department.
- b) If a licensee also conducts an employment agency, home health care agency or other business, the records of the agency shall remain separate and apart.

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

Section 690.170 Right to Investigate

The Director shall have the right without prior notification to make surveys and inspections of the facilities and records of any licensee as are necessary in order to determine the status of compliance with the Act and these Rules.

Section 690.180 Complaints and Investigations

- a) Upon complaint, the Department shall investigate an applicant or licensee. Such complaint may be filed by any person or health facility or other nurse agency and may be in writing, in person or by telephone. Any complaint made in person or by telephone must also be made in writing. The Department may institute an investigation based on a nonwritten complaint if the Department determines that the public interest, safety or welfare is at risk.
- b) The Department shall notify the applicant or licensee of the complaint and the applicant or licensee may submit comments and information.
- c) The name of persons who file complaints are considered confidential and are exempt from disclosure under section 7(b)(iii) of the Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, par. 207).

Section 690.190 Denial of Initial License

A license may be denied for any, but not limited to the following:

- a) failure to provide the information required on the application form;
- b) failure to comply with the minimum standards set forth by the Act or Section 690.70;
- c) a felony conviction of the applicant;
- d) insufficient financial or other resources to operate the nurse agency in accordance with the requirements of the Act or these rules;
- e) failure to establish personnel policies and procedures for selecting nurses and certified nurse aides for employment, assignment or referral;
- f) lack of qualified personnel to operate the nurse agency in accordance with the Act and these rules.

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

Section 690.200 Denial of Renewal or Revocation of License

- a) An application for a renewal of a license may be denied for, but not limited to:

- 1) any of the reasons for denial of the original license listed in Section 690.190;
- 2) for any violation of any provision of the Act or of these rules;
- 3) for refusal to pay a fine.
- b) A license may be revoked for, but not limited to, any of the following reasons:
 - 1) for any of the reasons for which a license may be denied as listed in Section 690.190;
 - 2) for violation of any provision of the Act;
 - 3) for violation of any of these rules;
 - 4) for failure to pay a fine; or
 - 5) for any conduct or practice found by the Director to be detrimental to the public's right to high quality health care.

Section 690.210 Suspension of License

If the Department determines that the public interest, safety or welfare is at risk, a license may be suspended immediately or prior to a hearing.

Section 690.220 Hearings

- a) Before denying any application or refusing to renew a license, revoking a license, or imposing a fine, the Department shall notify the applicant or licensee in writing by certified mail, setting forth the particular reason for the proposed action and fixing a date, not less than fourteen (14) days from the date of such mailing, at which time the applicant or licensee shall be given an opportunity for a hearing.

- b) Hearings conducted under this Part are formal in nature and subject to the Departmental hearing rules (68 Ill. Adm. Code 680.230).

Section 690.230 Considerations in Reaching a Decision

In determining whether to revoke, suspend, refuse to issue or to renew a

ILLINOIS DEPARTMENT OF LABOR
NOTICE OF PROPOSED RULES

license, or to impose a fine and the amount of the fine the Director shall consider:

- a) Whether the finding constitutes a technical error;
- b) Whether the finding is serious enough to constitute an actual violation of the intent and purpose of a particular provision of the Act or these rules;
- c) Whether the violation could pose any direct or potential harm to a patient in a health care facility;
- d) Whether the applicant or licensee has taken steps to correct the noted violations; and
- e) Whether the same violation or similar violations relating to the same conditions or occurrences have been included in previous reports and the licensee has allowed the condition or occurrence to continue or to recur.

Section 690.240 Fines

- a) The Director may impose a fine of not to exceed \$1000 for operating a nurse agency without a license. Referring or assigning a person who does not hold a currently valid license as a nurse issued by the Department of Professional Regulation or is not registered with the Department of Public Health as a certified nurse aide; or for failure to have and maintain sufficient liability insurance.
- b) The Director may impose a fine not to exceed \$500 for submission of false or misleading information or a fine not to exceed \$300 for the failure to provide or maintain information in accordance with the Act or these rules.
- c) The Director may impose a fine not to exceed \$500 for violation of any other rule.
- d) A fine may be imposed in addition to a suspension, revocation or refusal to renew a license.

Section 690.250 Subpoena

The Director shall, upon his/her own motion or on the written request of any party to a proceeding, issue subpoenas requiring the attendance and the giving of testimony by witnesses and subpoenas duces tecum requiring the production of books, papers, records or memoranda.

Section 690.260 Determination

Any determination based on investigation by the Illinois Department of Labor shall be considered a contested case subject to the Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1001 et seq.) and the final decision will be in writing.

Section 690.270 Administrative Review

The decision may be reviewed under the Administrative Review Law (Ill. Rev. Stat. 1987, ch. 110, par. 3-101 et seq.).

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

- 2) Code Citation: 89 Ill. Adm. Code 112

- 3) Section Numbers: Proposed Action:

112.70	Amendment
112.71	Amendment
112.72	Amendment
112.74	Amendment
112.76	Amendment
112.77	New Section
112.78	Amendment
112.79	Amendment
112.80	Amendment
112.82	Amendment
112.83	Renumbered, Amended
112.308	Amendment
112.315	Renumbered
112.350	New Section
112.352	New Section
112.354	New Section
112.356	New Section
112.358	New Section
112.360	New Section
112.362	New Section
112.364	New Section
112.366	New Section
112.400	New Section
112.402	New Section
112.404	New Section
112.406	New Section
112.408	New Section
112.410	New Section
112.412	New Section
112.414	New Section
112.416	New Section
112.418	New Section

- 4) Statutory Authority:

89 Ill. Adm. Code 112.70 thru 112.82

Sections 4-1.9, 4-1.10, 9-5, 9-6 and 9-6.02 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 4-1.9, 4-1.10, 9-5, 9-6 and 9-6.02, as amended by P.A. 86-911, effective January 1, 1990)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

89 Ill. Adm. Code 112.83, 112.308 and 112.350 thru 112.418

Sections 9-6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 9-6 and 12-13)

89 Ill. Adm. Code 112.315

Sections 4-1.9, 4-1.10, 9-2, 9-5 and 9-6 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 4-1.9, 4-1.10, 9-2, 9-5 and 9-6)

- 5) A Complete Description of the Subjects and Issues Involved:

89 Ill. Adm. Code 112.70 thru 112.82

This rulemaking implements Title II of the Family Support Act of 1989 (Pub. Law 100-485) which creates the Job Opportunities and Basic Skills Training (JOBS) Programs for recipients of AFDC benefits. The JOBS program is designed to assist persons receiving AFDC benefits to become self-sufficient by providing needed employment-related activities and support services.

89 Ill. Adm. Code 112.83, 112.308 and 112.350 thru 112.418

This rulemaking implements Sections 301 and 302 of the Family Support Act of 1988 (Pub. Law 100-485) which guarantees child care for persons receiving AFDC benefits who are in approved educational and training activities and for those who are working. Additionally, this rulemaking guarantees child care for twelve months for certain individuals who have lost AFDC eligibility due to increased earnings, increased hours of work or due to the loss of the earned income disregard.

89 Ill. Adm. Code 112.315

This rulemaking amends and rennumbers Section 112.315 to Section 112.83. The participation program components, conciliation and fair hearing procedures, sanctions and good cause requirements for this Young Parents Program are the same as Project Chance.

- 6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No

- 7) Do these rulemakings contain an automatic repeal date?
Yes ☐ No ☒

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.40	Amendment	February 17, 1989 (13 Ill. Reg. 1948)
112.82	Amendment	November 3, 1989 (13 Ill. Reg. 16894)
112.138	New Section	December 1, 1989 (13 Ill. Reg. 18833)
112.154	Amendment	December 8, 1989 (13 Ill. Reg. 19117)
112.300	Amendment	November 3, 1989 (13 Ill. Reg. 16894)
112.303	Amendment	December 1, 1989 (13 Ill. Reg. 18833)
112.304	Amendment	January 12, 1990 (14 Ill. Reg.)

10) Statement of Statewide Policy Objectives: These rulemakings have no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on these Proposed Amendments: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

89 Ill. Adm. Code 112.70 thru 112.82

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

A) Date Amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 3, 1990

B) Types of small businesses affected: Individuals providing education, training and employment assistance to Project Chance participants.

C) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not require any additional reporting, bookkeeping or other procedures for complying.

D) Types of professional skills necessary for compliance: This rulemaking does not require any additional professional skills.

89 Ill. Adm. Code 112.83, 112.308 and 112.350 thru 112.418

A) Date Amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 3, 1990

B) Types of small businesses affected: Child Care/Day Care Centers and other providers of child care.

C) Reporting, bookkeeping or other procedures required for compliance: Small businesses must be familiar with the procedures for billing, securing approval and receiving Department payment for child care provided pursuant to this rulemaking.

D) Types of professional skills necessary for compliance: No additional professional skills required by this rulemaking.

89 Ill. Adm. Code 112.315

A) Date Amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 3, 1990

B) Types of small businesses affected: Individuals providing education, training and employment assistance to Project Chance participants.

C) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not require any

NOTICE OF PROPOSED AMENDMENTS

additional reporting, bookkeeping or other procedures for complying.

- D) Types of professional skills necessary for compliance: This rulemaking does not require any additional professional skills.

The full text of the Proposed Amendments begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	
112.1	Description of the Assistance Program
112.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section	
112.70	Registration -Participation Requirements For Project Chance
112.71	Individuals Exempt From Project Chance
112.72	Project Chance Participation/Cooperation Requirements
112.73	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74	Project Chance Fair-Initial Assessment
112.76	Process/Development of an <u>Employment-Employability</u> Plan
112.77	Project Chance Orientation
112.78	Illinois-Work-Experience-Program-Evaluation-Project (Renumbered) Conciliation and Fair Hearings
112.79	Project Chance Components
112.80	Project Chance Sanctions
	Good Cause for Failure to Comply With Project Chance Participation Requirements

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section
112.81 Responsible Relative Eligibility For Project Chance
112.82 Project Chance Supportive Services
112.83 Employment-Child-Care Young Parents Program
112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section
112.86 Project Advance
112.87 Project Advance Experimental and Control Groups
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90 Project Advance Sanctions
112.91 Good Cause for Failure to Comply with Project Advance
112.93 Individuals Exempt From Project Advance
112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Stepparent, Parent or Legal Guardian
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
112.128 Protected Income
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-Contractual School Employees

112.137 Termination of Employment
112.140 Exempt Earned Income
112.141 Exempt Income Exemption
112.142 Exclusion From Earned Income Exemption
112.143 Recognized Employment Expenses
112.144 Income From Work/Study/Training Program
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and Family Services
112.149 Earned Income In-Kind
112.150 Assets
112.151 Exempt Assets
112.152 Asset Disregards
112.153 Deferral of Consideration of Assets
112.154 Property Transfers
112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
112.250 Grant Levels
112.251 Payment Levels in AFDC
112.252 Payment Levels in AFDC Group I Counties
112.253 Payment Levels in AFDC Group II Counties
112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section
112.300 Persons Who May Be Included in the Assistance Unit
112.301 Presumptive Eligibility
112.302 Monthly Reporting
112.303 Retrospective Budgeting
112.304 Budgeting Schedule
112.305 Strikers
112.306 Foster Care Program
112.307 Responsibility of Sponsors of Aliens
112.308 Special Needs Authorizations

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section
112.309
112.315
112.320
112.330
112.331
112.332

Institutional Status
Young Parent Program (Renumbered)
Redetermination of Eligibility
Six Month Extension of Medical Assistance Due to Increased Income from Employment
Four Month Extension of Medical Assistance Due to Child Support Collections
Extension of Medical Assistance Due to Loss of Earned Income Disregard

SUBPART J: CHILD CARE

Section
112.350
112.352
112.354
112.356
112.358
112.360
112.362

Child Care
Child Care Eligibility
Qualified Provider
Notification of Available Services
Participant Rights and Responsibilities
Child Care Overpayments and Recoveries
Additional Service to Secure or Maintain Child Care Arrangements

112.364 Rates of Payment for Child Care
112.366 Method of Providing Child Care

SUBPART K: TRANSITIONAL CHILD CARE

Section
112.400
112.402
112.404
112.406
112.408
112.410
112.412
112.414
112.416
112.418

Transitional Child Care Eligibility
Child Care Eligibility
Duration of Eligibility for Transitional Child Care
Loss of Eligibility for Transitional Child Care
Qualified Child Care Providers
Notification of Available Services
Participant Rights and Responsibilities
Child Care Overpayments and Recoveries
Fees for Service for Transitional Child Care
Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective September 12, 1986; amended at 11 Ill. Reg. 2280, effective December 12, 1986; amended at 11 Ill. Reg. 3140, effective January 16, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989;

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

amended at 14 Ill. Reg. _____, effective January 1, 1990;
amended at 14 Ill. Reg. _____, effective _____.

Section 112.70 ~~Registration~~ Participation Requirements For
Project Chance (Cont'd)

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART C: PROJECT CHANCE

Section 112.70 ~~Registration~~ Participation Requirements For
Project Chance

Sections 112.70 through 112.82 112.83 describe ~~work~~
~~registration~~ Project Chance employment, education, and training
participation requirements for AFDC clients. The purpose of
Project Chance is to assure that needy individuals and families
obtain education, training and employment that will help avoid
long-term welfare dependence.

a) As a condition of eligibility for AFDC cash
assistance all applicants and recipients age 16-
through 64 except exempt individuals must be
registered with Project Chance (45 CFR 2247-1087, with
no later editions or amendments). The purpose of
Project Chance is to decrease dependency on the public
welfare system by promoting employment opportunities
for AFDC recipients. Project Chance is a program
which assigns mandatory registrants in a systematic
approach to job search and includes job preparatory
activities.

b) The Department shall register all nonexempt
individuals (see Section 112.71) at the time of
approval for assistance.

e) All nonexempt applicants must be registered with
Project Chance when assistance for these individuals
is authorized.

d) Nonexempt individuals who are otherwise eligible to
be added to an already existing AFDC grant must be
registered with Project Chance when assistance is
authorized.

a) To the extent that resources allow, all non-exempt
individuals receiving AFDC are required to participate
in Project Chance.

b) Project Chance services will be offered to exempt and
non-exempt individuals who wish to volunteer to
participate.

c) Project Chance resources will be targeted to the
following groups:

1) current recipients who have received AFDC for any
thirty-six (36) of the preceding sixty (60)
months;

2) applicants for AFDC who have received AFDC for
any thirty-six (36) of the preceding sixty (60)
months;

3) custodial parents under age twenty-four (24) who
have not completed high school or have little or
no work experience within the preceding year or

4) members of families in which the youngest child
is within two (2) years of being ineligible for
AFDC because of age; and

5) other young parents not in the above groups.

d) A custodial parent under age twenty (20) who has not
completed a high school education (or its equivalent)
is not exempt from participation in educational
activities directed toward obtaining a high school
diploma (or equivalent) because of the age of the
youngest child (see Section 112.71). Full-time
participation (as defined by the educational provider)
is required even if the individual's youngest child is
under age six (6). This requirement is conditioned
upon provision to the young parent of all necessary
child care services.

e) A custodial parent age sixteen (16) or seventeen (17)
may be excused from educational activities directed
toward obtaining a high school diploma (or equivalent)
if it is determined based on the individual's
employability assessment that another educational
activity and/or job skills training is appropriate.

f) A custodial parent who is age eighteen (18) or

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.70 Registration Participation Requirements For Project Chance (Cont'd)

nineteen (19) may participate in training or work activities instead of educational activities if one of the following conditions is met:

- 1) the parent fails to make good progress in successfully completing educational activities; or
- 2) based on an educational assessment and the employment goal established in the employability plan, educational activities are inappropriate.

g) Individuals age twenty (20) or over who have not completed a high school education (or equivalent) must participate in educational activities consistent with the employment goal established in the employability plan unless:

- 1) the individual demonstrates a literacy level that allows a person to function at a level equivalent to at least the ninth (9th) grade; or
- 2) the long-term employment goal does not require a high school diploma (or equivalent).

h) A parent or other relative personally caring for a child under age six (6) will not be required to participate in Project Chance for more than twenty (20) hours per week except as specified in subsection (d) above.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 112.71 Individuals Exempt From Project Chance

a) An individual shall be exempt from Project Chance registration requirements-participation when that individual:

- 1) Is a child age sixteen (16) through eighteen (18) in full-time elementary, secondary grades 9-12 or equivalent vocational/technical school attendance. An individual if the child loses this exemption because he/she is no longer in school, the exemption is no longer applicable

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.71 Individuals Exempt From Project Chance (Cont'd.)

even if the child returns to school. ~~Individual age 18 must be expected to complete the educational program before reaching age 19. College students do not qualify for this exemption;~~

2) Illness and Injuries

- A) i) Is temporarily ill or chronically ill. An individual is temporarily ill, when determined by the local office, on the basis of medical evidence (e.g., statement from a medical provider) or on another sound basis that the illness/injury is serious enough to temporarily prevent the individual from engaging in employment or participating in Project Chance. A sound basis for exemption from Project Chance on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery;

ii) Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion;

- B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in Project Chance. This may include a period of recuperation after childbirth if prescribed by a woman's physician;

- C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.71 Individuals Exempt From Project Chance (Cont'd.)

until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when review of the case will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the individual that the reevaluation is necessary;

3) Resides in an area remote from the Project Chance office or service unit so that effective participation in the program is precluded. The individual is considered remote if a round trip of more than two (2) hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day or if an individual has no means of transportation available;

4) Has another household member for whom that individual must provide full-time care;

5) Is the parent or other caretaker relative of a child under age 6 three (3) in the home (other than a minor parent under age twenty (20) without a high school diploma or equivalent who is required to participate in education) who is personally providing care for the child. This person must be personally caring for the child with only very brief and occasional absences. Only one person is entitled to this exemption. A caretaker relative who is absent to attend college on a full-time basis is not exempt under this provision. Full-time means twelve (12) college credit hours during daytime hours. A college is a school authorized by the State of Illinois Board of Higher Education to grant Associate and/or Bachelor degrees. In an AFDC-U case, only one parent may be exempt for this reason.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.71 Individuals Exempt From Project Chance (Cont'd.)

6) For AFDC-R, is a parent of a child if another adult in the home is registered with Project Chance;

7) For AFDC-U, is the parent of a child whose other parent is the principal wage earner unless the principal wage earner is exempt;

8) Is the parent or caretaker of a child under age three (3) in an AFDC-R or AFDC-U case, if another adult relative in the home is registered with Project Chance who does not qualify for an exemption;

9) A) Is employed 30 hours or more per week in unsubsidized employment. Unsubsidized employment means any employment not funded in whole or in part by the Federal, State or local government (e.g. Job Training Partnership Act (JTPA), Project Chance, etc.) and such employment is expected to last a minimum of thirty (30) days.

B) This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten (10) work days. Regular federal, state or local government employees are not subsidized.

98) Is in the sixth 4th month of pregnancy or later; or

99) Is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.), if the individual was receiving financial assistance or food stamps at the time he/she joined VISTA. Persons enrolled full-time under Title II of the 1973 Domestic Volunteer Services Act, as senior health aides, foster grandparents, senior companions or persons serving in the Senior Corps of Retired Executives (SCORE) (15 USC 637 et seq.) and Active Corps of Executives (ACE) (15 USC 637 et seq.), etc. also are exempt.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.71 Individuals Exempt From Project Chance
(Cont'd.)

b) Individuals who request an exemption from participation in Project Chance shall do so in writing and shall receive a written notice of decision on such request within forty-five (45) days.

c) Exempt individuals may volunteer for Project Chance.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 112.72 Project Chance Participation/Cooperation
Requirements

a) After project chance registration is completed (see Section 112.70), a mandatory registrant is an individual is required to participate in Project Chance by:

- 1) Cooperating with Project Chance. Cooperation with Project Chance is defined as providing requested information about employment history and capabilities, appearing for scheduled meetings, making the required twenty (20) acceptable employer contacts every thirty (30) calendar days during the intensive job search component, participating in assessment and literacy tests, and complying with the requirements of Project Chance components. Component activities identified in Section 112.78:--An acceptable employer contact consists of any of the following:--the completion and return of an application to an employer; a face-to-face interview with an employer; the completion of civil service test required for employment with State, local or Federal government; or the completion of a job service screening test; the completion and mailing of a resume with a covering letter to a recognized employer; and for union members in good standing reporting to the Union Hall;--(Regardless of the number of days per week a mandatory registrant reports to the Union Hall, such contact only counts as one acceptable contact per week.) Acceptable contacts are documented by written statements provided to the Project Chance worker

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.72 Project Chance Participation/Cooperation
Requirements (Cont'd.)

by the mandatory registrant during intensive job search (see Section 112.78), ten of the twenty required contacts must be the completion and return of an application of a face-to-face interview.

2) Responding to a job referral of suitable employment (i.e., a written statement referring a mandatory registrant participant to an employer for a specific position);

3) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why an a bona fide offer of employment was not accepted. A bona fide offer of suitable employment is where:

- A) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community based on information information obtained from the Department of Employment Security; and
 - B) there are no questions as to the individual's inability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and
 - C) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection.
- 4) Suitable employment must meet the following criteria:
- A) Wages offered must be at least:
 - i) the Federal minimum wage;
 - ii) the State minimum wage; or

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.72

Project Chance Participation/Cooperation Requirements (Cont'd.)

- iii) ~~\$3.35~~ \$4.25/hour (if neither the Federal nor State minimum wage is applicable); or
- iv) the training wage if training is offered.
- B) If the wages are offered on a piece-rate basis, the amount the ~~mandatory~~ participant can reasonably be expected to earn must equal the wages as outlined in Section 112.72(a)(4)(A).
- C) The ~~mandatory-registered~~ participant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization.
- D) There is no unreasonable degree of risk to the ~~mandatory-registered's~~ participant's health and safety.
- E) The ~~mandatory-registered~~ participant is physically and mentally competent to perform the work.
- F) The employment must be within reasonable distance of the ~~mandatory-registered's~~ participant's residence. Commuting time must not represent more than 25% of the ~~mandatory-registered's~~ participant's total time on the job, e.g., no more than two (2) hours commuting time for an eight (8) hour work day.
- 5) Registering and appearing participants must register and appear for any subsequent interviews at the Department of Employment Security's Job Service offices when required by a Project Chance component activity.
- b) Additionally, after registration is completed, these Project-Chance-mandatory-registered participants who are part-time employed as defined in Section 112.64(d)(1), must:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.72 Project Chance Participation/Cooperation Requirements (Cont'd.)

- 1) continue their part-time employment as defined in Section 112.64(d)(1); and
- 2) not reduce their employment (i.e., voluntarily reducing work hours).
- c) Failure of a non-exempt individual to participate/cooperate with the Project Chance requirements listed in this Section without good cause will result in sanction as outlined in Section 112.79.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 112.74

Project Chance ~~Full~~ Initial Assessment Process/Development of an ~~Employment~~ Employability Plan

- a) ~~Full~~ Initial Assessment to Develop Employment an Employability Plan
- 1) All ~~mandatory-registered~~ participants shall undergo a ~~full~~ initial assessment to develop an ~~employment~~ employability plan.
- 2) The ~~full~~ initial assessment shall include collection of information on the individual's background, proficiencies, skills deficiencies, education level, work history as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, family circumstances and problems which may include the need of any child of the individual). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, ~~mandatory-registered~~ individuals and Project Chance staff shall work together to identify any supportive service needs required to enable ~~mandatory-registered~~ then to participate in Project Chance and meet the objectives of their employment plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.74

Project Chance Full Initial Assessment Process/Development of an Employment Employability Plan (Cont'd.)

testing, counseling, and self-assessment instruments. The full assessment shall include standard literacy testing and a determination of English language proficiency.

- 3) The employment employability plan shall must contain at least the following:

- A) the employment-related objective, contain an employment goal of the participant;
 - B) the Project Chance component placement, describe the services to be provided by the agency, including child care and other supportive services;
 - C) the supportive services that must be provided or arranged, and describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
 - D) a statement that the supportive services have been provided by the Department or otherwise arranged, including an explanation of specific arrangements and services provided, describe any other needs of the family that might be met by Project Chance such as participation by a child in drug education or in life skills planning sessions.
- 4) The employability plan shall take into account:
- A) available program resources;
 - B) the participant's supportive service needs;
 - C) the participant's skills level and aptitudes;
 - D) Local employment opportunities;
 - E) to the maximum extent possible, the preferences of the participant;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.74

Project Chance Full Initial Assessment Process/Development of an Employment Employability Plan (Cont'd.)

- F) the employability plan shall not be considered a contract; and

- G) final approval of the plan rests with the Project Chance program.

- b) 1) The full initial assessment shall take place at least at the following times before a participant is assigned to any Project Chance component. All participants will be scheduled to begin the initial assessment within fourteen (14) working days after orientation.

- 2) Participants employability plan must be reviewed at least at the following times:

- A) upon completion of a component activity before assignment to a different component;
- B) upon the request of the participant; and
- C) if the individual is not cooperating with the requirements of the program.

- 1) at the end of the initial sixty (60)-day intensive Job Search period, if the mandatory registrant has not obtained employment (see Section 112.78);

- 2) during the intensive Job Search period if the mandatory registrant has supportive service needs or is not adequately participating in intensive Job Search (i.e., by not attending group meetings or making the required number of job contacts); or

- 3) prior to deferring participation in the intensive Job Search component for mandatory registrants who wish to obtain a GED or high school diploma or who are involved in an education or training program at the time they begin participating in Project Chance. In these cases, the decision to defer would be based upon the results of a full assessment.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.74

Project Chance Full Initial Assessment
Process/Development of an Employment
Employability Plan (Cont'd.)

- 4) at any time to determine their suitability for Special Projects (see Section 112.78);
- 5) mandatory registrants currently in Project Chance who have not received a full assessment will receive a full assessment prior to assignment to another component; in addition, for these individuals, a full assessment will be attempted if the individual is not cooperating with the requirements of the program (see Sections 112.72 and 112.78);
- 6) upon completion of a component activity, mandatory registrants will be reassessed, including a review of the employment plan and making appropriate adjustments;
- c) The mandatory registrant participant will be notified in writing of the full initial assessment meeting. The notice shall include the following information:
 - 1) the date and time of the interview;
 - 2) a description of the purpose of the interview;
 - 3) the consequences of failing to attend;
 - 4) the right to re-schedule for good cause;
 - 5) the right to request child care and transportation to attend; and
 - 6) the name of the person to contact for such purposes.

d) During the full assessment meeting, the Project Chance worker and the mandatory registrant will assess the employability of the mandatory registrant and develop an employment plan based on the mandatory registrant's education, training, employment history and interests. Subsequent service needs and temporary barriers (e.g., family problems) to Project Chance participation will be identified. Based on the full

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.74

Project Chance Full Initial Assessment
Process/Development of an Employment
Employability Plan (Cont'd.)

- assessment and the eligibility criteria for each Project Chance component; mandatory registrants will be assigned to a component and receive component specific participation requirements (see Section 112.78);
- 1) If the mandatory registrant fails to appear for an assessment interview or to comply with the assessment process without good cause (see Section 112.80), financial assistance shall be discontinued for the entire assistance unit unless the mandatory registrant is a 16 or 17 year old child in an assistance unit with other children in which case only the 16 or 17 year old child is ineligible for financial assistance;
 - 2) If the mandatory registrant has good cause for failing to appear for an assessment interview or to comply with the assessment process (see Section 112.80), financial assistance shall be reinstated (if cancelled) and the mandatory registrant shall be reimbursed for any financial assistance lost;

3) Assistance which has been discontinued because of failure to participate shall be reinstated if the assessment process shall be initiated if the mandatory registrant agrees to undergo a full assessment and the assessment subsequently takes place. The reinstatement shall be effective the date of the discontinuance provided the date of agreement falls on or before the last day of the fiscal month for which the discontinuance would be effective.

4) The Department shall attempt to schedule the assessment interview on the same day or as soon thereafter as possible. When the interview can be scheduled within five (5) work days of the individual's agreement to attend the interview, the reinstatement shall be processed upon the completion of the interview. When the interview cannot be scheduled within five (5) work days,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.74

Project Chance Full Initial Assessment Process/Development of an Employment Employability Plan (Cont'd.)

- reinstatement shall be processed upon the individuals agreement to attend the meeting.
- 5) Continued receipt of medical assistance and food stamps is not affected by failure to appear for the assessment interview.
- 6) No mandatory registrant shall be sanctioned (see Section 112.79) for noncooperation with project Chance prior to completion of the full assessment process (see Section 112.74). Also, no mandatory registrant shall be sanctioned for noncooperation with project Chance when the alleged noncooperation is based in whole or in part on any act or omission of the mandatory registrant which occurs prior to the completion of the full assessment process.

d)

During the initial assessment, the employability and needed services will be determined. The decisions will be based on the individual's background, proficiencies, skills deficiencies, education level, work history as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, family circumstances and problems which may include the need of any child of the individual). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, individuals and Project Chance staff shall work together to identify any supportive service needs required to enable them to participate in Project Chance and meet the objectives of their employment plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. The initial assessment shall include standard literacy testing and a determination of English language proficiency. The basic literacy level is 9.0 grade level. Based on the initial assessment, the individual will be referred to the appropriate component activity. The referral decision will be based on the following:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.74

Project Chance Full Initial Assessment Process/Development of an Employment Employability Plan (Cont'd.)

- 1) Individuals not ready to participate due to barriers of problems such as substance abuse problems, domestic violence, family problems, etc. will be referred to an appropriate supportive/ancillary service activity.
- 2) Individuals ready to participate, but in need of educational services will be referred to an educational component. Individuals ready to participate but in need of educational services will include but are not limited to:
- A) individuals with limited English proficiency;
- B) individuals under age twenty (20) who do not have a high school diploma; and
- C) individuals age twenty (20) and over who do not function at the ninth (9th) grade level.
- 3) Individual(s) ready to participate, and near job ready will be referred to job skills training, job readiness training, post secondary education, work experience or other appropriate components.
- 4) Job ready individuals will be referred to job readiness activities, job placement, or job search. To be "job ready", an individual must possess the following attributes:
- A) A job ready individual must have:
- i) transportation (ability to get to the work site);
- ii) clothes (suitable and appropriate for the type of work);
- iii) child care;
- iv) tools (if required and not supplied by the employer);

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.76 Project Chance Orientation (Cont'd.)

participant responsibilities. This includes the following:

- 1) education, employment and training opportunities available;
- 2) supportive services including child care;
- 3) the obligation of the agency to provide supportive services;
- 4) the rights and responsibilities of participants; and
- 5) the types and locations of child care services.

b) Within one month of the determination of eligibility for AFDC, the Project Chance program will notify the individual in writing how he/she can enter the program.

c) Individuals who enter the Project Chance program will be provided with an orientation.

b) d) Within thirty (30) days from the date a client's application for AFDC is approved or an exempt client volunteers for Project Chance, Project Chance will send the client a letter requesting that he attend a Project Chance Orientation meeting. In addition, other Project Chance clients may be required to participate in an Orientation meeting prior to being assigned to one of the Project Chance components if it is determined that the client can benefit from Orientation (e.g., a client that has never had a Project Chance Orientation or a client who was previously in Modified Job Search). Non-exempt individuals may be required to enter the Project Chance program and attend the orientation. Project Chance will send these non-exempt individuals an appointment letter requiring that they attend a Project Chance Orientation meeting. The letter shall include the following information:

- 1) the fact of the person's registration;
- 2) the right to request an exemption;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.76 Project Chance Orientation (Cont'd.)

3) a complete description of all available exemptions;

4) the date and time of the meeting;

5) a description of the program and the purpose of the meeting;

6) the consequences of failing to attend;

7) the right to reschedule the appointment with good cause;

8) the right to request child care or transportation services to attend; and

9) the name of the person to contact for such purposes.

e) The At the Orientation meeting begins the intensive Job Search component (see Section 112.78) only for these mandatory registrants at that time assigned to intensive Job Search and consists of Project Chance staff informing the mandatory registrant participant of as to Project Chance participation requirements, distributing to participants a copy of the Project Chance booklet to handbook to explain its mandatory registrants, and explaining explain its contents. The Project Chance booklet handbook contains program information including the following:

- 1) an overview of Project Chance;
- 2) the exemption criteria listed in Section 112.71;
- 3) a description of all Project Chance components, eligibility criteria, and specific participation requirements for each component;
- 4) general participation requirements i.e., appearing for scheduled meetings with Project Chance staff, responding to a job referral, accepting a bona fide offer of suitable employment (see Section 112.72);
- 5) the mandatory registrant's responsibilities while

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.76 Project Chance Orientation (Cont'd.)

in the intensive job search component (there making twenty (20) acceptable employer contacts every thirty (30) days) the support services identified in Section 112.82;

- 6) the intensive job search allowance and the other support services identified in Section 112.82;

- 7) information on what constitutes an acceptable employer contact (e.g., the completion and return of the application to an employer, a face-to-face interview with an employer, the completion of civil service test required for employment with State, local or Federal Government, the completion of a job service screening test, the completion and mailing of a resume with a covering letter to a recognized employer, and for union members in good standing, reporting to the Union Hall. -- (Regardless of the number of days per week a mandatory registrant reports to the Union Hall, such contact only counts as one acceptable employer contact per week.))

- 8) the full initial assessment process and employment employability plan (see Section 112.74);

- 9) the result of the mandatory registrant's participant's failure to cooperate without good cause with Project Chance;

- 4) in addition, job seeking skills exercises are conducted and mandatory registrants are given a pre-printed form with standard participation requirements for the component to which they are assigned.

- ef) Mandatory registrants-Participants must attend all Orientation meetings or notify their Project Chance worker of good cause to be excused and have their meeting rescheduled (see Section 112.80).

- 1) If a mandatory registrant-non-exempt participant fails to attend an Orientation meeting on two separate occasions without good cause (see Section 112.80), financial assistance shall be

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.76 Project Chance Orientation (Cont'd.)

discontinued for the entire assistance unit unless the mandatory registrant is a 16 or 17 year old child in an assistance unit with other children in which case only the 16 or 17 year old child is eligible for financial assistance - sanction rules shall apply.

- 2) If the mandatory registrant-non-exempt participant fails to attend an Orientation meeting on two separate occasions but has good cause on at least one occasion (see Section 112.80), financial assistance shall be reinstated (if cancelled) and the mandatory registrant shall be reimbursed for any financial assistance test sanction rules shall not apply.

- 3) Assistance shall be reinstated effective the date of the disorientation if the mandatory registrant agrees to and subsequently attends an Orientation meeting provided the date of agreement falls on or before the last day of the fiscal month for which the disorientation would be effective.

- 4) The Department shall attempt to schedule the Orientation meeting on the day that the mandatory registrant agrees to attend such Orientation or as soon thereafter as possible. When the meeting can be scheduled within five (5) work days of the individual's agreement to attend a meeting, the reinstatement shall be processed upon the completion of the meeting. When the meeting cannot be scheduled within five (5) work days, reinstatement shall be processed upon the individual's agreement to attend the meeting.

- 5) Continued receipt of medical assistance and food stamps is not affected by failure to appear for the Orientation meeting.

- fg) Expenses for transportation and child care services will be provided to enable mandatory registrants-Participants to attend the Orientation Assessment meeting, if requested.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.77 Illinois-Work-Experience-Program-Evaluation
~~Project-(Renumbered)~~Conciliation and Fair
Hearings

- a) The Department shall establish a conciliation procedure to assist in resolving disputes related to the participant's Project Chance participation.
- b) A participant or Project Chance may request conciliation. At least one face-to-face meeting may be scheduled with Project Chance and the participant to resolve misunderstandings or disagreements related to program participation and which may lead to a potential sanction. The meeting will include the participant, Project Chance worker, a neutral person and a representative for the participant, if desired.
- c) The conciliation process will continue after it is determined that the individual did not have good cause for non-cooperation. Any necessary demonstration of cooperation on the part of the participant will be part of the conciliation process and will last no more than thirty (30) days.
- d) During the conciliation process, the following is completed:
- 1) a discussion of the nature of the problem or dispute and potential resolution;
 - 2) an explanation of the individual's rights and responsibilities;
 - 3) a review of the employability plan; and
 - 4) a discussion of expectations of the participant and Project Chance.
- e) Project Chance will document in the case record the proceedings of the conciliation.
- f) If conciliation resolves the dispute, no sanction will occur. If the dispute cannot be resolved during conciliation, a sanction will not occur until the conciliation process is complete. The participant has

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.77 Illinois-Work-Experience-Program-Evaluation
~~Project-(Renumbered)~~Conciliation and Fair
Hearings (Cont'd.)

the right to request an appeal hearing through the Department's fair hearing process.

(Source: Section 112.77 renumbered to Section 112.84 at 11 Ill. Reg. 4682, effective March 6, 1987; new Section adopted at 14 Ill. Reg. _____, effective _____)

Section 112.78 Project Chance Components

a) Education

Participants who are determined ready to participate but in need of education are referred to the education component. In this component, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (e.g., GED); and with any educational program, structured study time to enhance successful participation.

1) Assignment to Education

- A) Individuals to be assigned to Education may include but are not limited to the following:
- i) parents under age twenty (20) who do not have a high school degree or equivalent;
 - ii) individuals with limited English proficiency; and
 - iii) individuals age twenty (20) and over who function below the ninth (9th) grade level.
- B) Parents ages sixteen (16) and seventeen (17) may be excused from educational activities if the parent is unable to participate in

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components

educational activities due to his/her own mental or physical illness or that of his/her spouse or child, is homeless, or is experiencing family or personal crisis.

C) Parents age eighteen (18) and nineteen (19) may be assigned to training or work activities instead of educational activities if:

- i) the parent fails to make good progress in successfully completing education activities, or
 - ii) prior to assignment, the parent had made arrangements to participate in a training program that is approved by the Project Chance program; or
 - iii) it is determined based on the assessment and the employment goal of the individual that educational activities are not appropriate.
- D) Educational activities may be combined with other component activities if it is determined appropriate.

2) Participation Requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's circumstances.
- B) The individual must be making satisfactory progress as defined by the written policy of the program in which he/she is enrolled.

b) Job Skills Training

Job Skills Training is designed to increase the individual's ability to obtain and maintain employment.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

1) Assignment to Job Skills Training

A) The participant is unemployed or employed and in need of further education to enhance employment/earning potential.

B) The participant possesses the aptitude, ability and interest necessary for success in the selected program (as determined by such factors as test results, educational/training background).

C) The program is accredited under requirements of State law.

D) The program is needed for the participant to obtain useful employment in a recognized occupation (according to the Dictionary of Occupational Titles (DOT), the Department of Employment Security (DES) and/or other documented and reliable sources (e.g., Horizons, Department of Commerce and Community Affairs (DCCA) and/or the placement officer at an educational institution). Jobs must be available in the chosen field upon program completion.

E) The program is full-time or a full-time program is not available or appropriate.

F) Job skills training may be combined with other component activities if it is determined appropriate.

2) Participation Requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's circumstances.

B) The individual must be making satisfactory progress as defined by the written policy of the training provider.

c) Job Readiness

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

1) The job readiness component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

2) Assignment to Job Readiness

A) Individuals who are near job ready are assigned to this component to help them perfect techniques needed to obtain employment and to improved interview skills.

B) Job readiness activities may be combined with other component activities if it is determined appropriate.

3) Participation requirements

A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's circumstances.

B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider. If there is a job search component in the program, the individual must make up to five (5) acceptable employer contacts in a thirty (30) day period.

ad) Intensive-Job Search

1) All mandatory registrants must participate in the Intensive-Job-Search (IJS)-component of Project Chance unless they are approved to participate in another Project-Chance-component-based-on-the-eligibility-criteria-of-that-component. During the IJS-component, the mandatory registrant must actively contact employers in his efforts to secure employment and is provided by Project

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

Chance-with-job-seeking-skills-exercises. Mandatory registrants must make twenty (20) acceptable employer contacts every thirty (30) days and must attend all scheduled meetings including pre-arranged Job-Skills-Workshops conducted by other than Project-Chance staff. The mandatory registrant will be notified in writing of all scheduled meetings. The content of the meetings includes a discussion of the mandatory registrant's progress in completing the participation requirements and job-seeking skills exercises. The failure of a mandatory registrant to appear for scheduled meetings or contact the required number of employers without good cause will constitute noncooperation.

1) Description of Job Search

Job Search may be conducted individually or in groups. Job Search includes the provision of counseling, job seeking skills training and information dissemination. Group job search may include training in a group session.

2) These mandatory registrants who have not found a job but have demonstrated employability will continue in IJS. Employability is demonstrated by the mandatory registrant's education, training, employment history and experience in the IJS component.

2) Assignment to Job Search

A) Job ready individuals may be assigned to Job Search. Individuals completing education or training or job skills training or job readiness training may be assigned to Job Search.

B) Job Search may be combined with other component activities if it is determined appropriate.

3) Participation Requirements

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78

Project Chance Components (Cont'd.)

A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.

B) Individuals must contact employers in an effort to secure employment. Participants must make up to twenty (20) acceptable employer contacts in a 30-day period unless the participant shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:

- i) the participant appears for a scheduled interview and the employer misses the appointment;
- ii) the participant makes less than the required number of acceptable employer contacts, but came reasonably close to the required numbers in an effort to find work;
- iii) the participant fails a civil service or other employment screening test;
- iv) the participant completes an application which is not accepted by the employer; and
- v) the participant's job search performance indicates that he/she should be in a different Project Chance component activity.

b) Modified-Job-Search

Mandatory registrants who appear to have limited potential for employment will be placed in Modified Job-Search (MJS). The Modified Job-Search component is for mandatory registrants who continue to remain unemployed but for whom structured job-search or training is inappropriate because they have particular

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78

Project Chance Components (Cont'd.)

barriers to obtaining and retaining employment. Mandatory registrants are expected continue their own job-search activities while assigned to this component.

1) Eligibility-Criteria

A) Mandatory registrants are placed in MJS if they possess particular barriers to obtaining and retaining employment such as: limited abilities and aptitudes (as determined by the mandatory registrant's education background, employment history and experience during the IDS component).

B) Mandatory registrants are placed in MJS if they are employed part-time and there are reasons to believe that it will lead to full-time employment (as determined by contact with the employer).

2) Entry-into-the-Component

Assignment of mandatory registrants to MJS may be made subsequent to participation in IDS and the full assessment. However, assignment of mandatory registrants to MJS can also be made from other Project Chance components at any time the mandatory registrant meets the eligibility criteria of MJS.

3) Participation-Requirements

A) Mandatory registrants must continue to seek employment.

B) Mandatory registrants are not required to make more than five (5) acceptable employer contacts per month, and

C) Mandatory registrants must report to their Project Chance worker any change that will affect their eligibility for ABC and their status in Project Chance and keep all scheduled meetings with their Project Chance worker.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

4) Reassessment

Cases in MIS are reviewed at a minimum of every six months. The review may be handled by mail. However based on such review of a mandatory registrant's employability, the Project Chance worker may schedule an appointment with the mandatory registrant to determine the mandatory registrant's continued eligibility for this component. After such review if it is determined that this is not the appropriate component (i.e., the mandatory registrant no longer satisfies the eligibility criteria specified in subsection (b)(1)), the mandatory registrant will be reassigned to another component of Project Chance (i.e., Intensive Job Search, Job Club, Pre-Employment, Work Experience or Special Projects).

e) Pre-Employment

Mandatory registrants who are determined not readily employable with their current skills or employed and in need of further training are referred to the Pre-Employment component. In the Pre-Employment component, Project Chance staff provide information, referral, counseling services and supportive services to mandatory registrants to increase mandatory registrant employment potential. Mandatory registrants may be referred to testing, counseling and education resources, rehabilitation therapy, and agencies or programs which sponsor such activities (i.e., Job Training Partnership Act (JTPA) and Department of Rehabilitation Services (DORS)).

1) Eligibility Criteria

Approval of education and training plans is based upon the Department's assessment that:

- A) The mandatory registrant does not possess a high school diploma or a GED certificate or possesses one and is in need of further training (i.e., a Day Care Aide who must obtain further education to satisfy the requirements for that position), and

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78

Project Chance Components (Cont'd.)

B)

The program selected will make the mandatory registrant employable (see subsection (a)(2)), taking into consideration the time required to complete the over-all cost and quality of the program, and

C)

The mandatory registrant is enrolled in post-secondary education or in a vocational training program for which jobs will be available upon completion of training (as determined by the Department of Employment Security's Job Service Division and/or other documented and reliable sources (e.g., Horizontal Department of Commerce and Community Affairs and/or the placement officer at an educational institution or facility)), and

D)

The mandatory registrant has the aptitude, ability and interest necessary for success in the particular education or training program (as determined by such factors as test results, educational background and previous training), and

E)

Enrollment cannot be in a basic laurate or post-graduate degree program unless the mandatory registrant is in a Department of Rehabilitation Services sponsored program of this type, and

F)

The program must be administered by an educational institution accredited by the Illinois State Board of Education or the Department of Registration and Education or is a JTPA or Special Projects funded program, and

G)

The mandatory registrant must apply for the Pell Grant and scholarships from the Illinois State Scholarship Commission, as well as any scholarships or grants identified by the education or training facility for which the mandatory registrant may be eligible, and

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

- H) Mandatorty-registrants-must-participate-in-a full-time-program-unless:
- 1) a full-time-program-is-not-readily available-(e.g., a full-time-GED program-is-not-available); or
 - 2) a part-time-program-is-the-most appropriate-(e.g., the-mandatory registrant-who-only-needs-a-four-(4) hour-course-to-complete); and
- I) Employed-mandatorty-registrants-may participate-in-programs-to-upgrade-their employability-potential-(e.g., a-Nurse-Aide who-must-obtain-further-training-to-satisfy the-requirements-for-that-position).

2) Entry-into-the-Component
The-assignment-into-the-pre-Employment-component results-from-the-joint-employment-plan-developed by-the-mandatorty-registrant-and-the-Project Chance-Worker.--Mandatorty-registrant-enter-this component.

A) Subsequent-to-the-completion-of-the-155 period,-of

B) After-the-reclassification-of-a-mandatorty registrant-in-MdS,-of

C) If-mandatorty-registrants-are-in-an acceptable-pre-Employment-activity-(see subsection-(e)(1))-at-the-time-of registration-with-Project-Chance,-of

D) Part-timer-while-in-other-components-

3) Participation-Requirements

A) The-mandatorty-registrant-must-maintain-a level-of-satisfactory-attendance-and progress-as-established-and-reported-by-the educational-facility.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

B) Curriculum-changes-can-be-made-only-with-the prior-written-approval-of-the-Project-Chance Worker.--Prior-approval-will-be-granted-when the-curriculum-change-is-consistent-with-the written-goals-of-the-training-program.

C) Verification-of-attendance-and-progress (i.e., statements-signed-by-the-instructor, educational-records-and-reports-prepared-at the-end-of-the-term)--Additionally,-if-the Department-is-paying-for-environmental-care-and/or transportation-to-enable-the-client-to participate-in-the-pre-Employment-activity, the-client-must-provide-monthly-verification of-his-attendance-must-be-provided.

4) Reassessment

The-Project-Chance-worker-conducts-mandatorty registrants-on-a-monthly-basis-if-the-supportive services-payments-identified-in-Section-112.82-are being-issued.--Mandatorty-registrants-not requiring-supportive-services-payments-of requiring-these-payments-from-another-source require-a-contact-every-six-(6)-months-or-at program-completion-while-ever-comes-first. Mandatorty-registrant-conducts-consists-of attendance-reports,-progress-reports,-group-of individual-meetings,-on-site-program-visits,-and written-correspondence.

Job-Club

Mandatorty-registrants-who-are-determined-employable but-who-are-in-need-of-highly-intensified-job-search skills-are-referred-to-Job-Club-timer-Job-Clubs conducted-by-Job-Training-Partnership-ACT-(JTPA)-and Adult-Education-Programs.--Job-Clubs-are-programs designed-to-facilitate-job-search-activities.--Job Club-timers-a-highly-intensive-and-positive-group process-approach-to-teach-job-finding-techniques.--Job search-activities-must-be-equivalent-to-those-required in-the-US-component.

5) Eligibility-Criteria

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

The Job-Club component is for mandatory registrants determined to be:

- A) Employable (see subsection (a)(2)), with a marketable skill (i.e., a skill for which jobs are available as determined by such sources as the Department of Employment Security), and
- B) Able to benefit from a highly intensive and structured approach to job-seeking (e.g., the mandatory registrant is in need of job seeking skills), or
- C) Interested in the technique employed.

2) Entry into the Component

As Job-Club slots become available, mandatory registrants are assigned to this component. Those mandatory registrants having the most recent employment taking into consideration such factors as the mandatory registrant's work history will be assigned first.

3) Participation Requirements

- A) Non-exempt mandatory registrants assigned to this component must cooperate as required by the Job-Club to avoid sanction.

- B) As in 115, the mandatory registrant is required to make twenty (20) acceptable employer contacts (or more contacts, if required by Job-Club) in a thirty (30)-day period.

- C) Mandatory registrants must provide required proof of acceptable employer contacts (see subsection (a)(1)) to Job-Club staff.

- D) Mandatory registrants are expected to be in full-time attendance as defined by the Job Club.

4) Reassessment

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

- A) Mandatory registrants are contacted on a monthly basis to determine full-time attendance and the need for supportive services (see Section 112.82). -- Contact need not be face-to-face. -- After such a review, the Project-Chance worker may schedule a meeting with the mandatory registrant to determine the mandatory registrant's continued eligibility for this component. -- After such contact, if it is determined by the mandatory registrant and the Project-Chance worker the mandatory registrant no longer satisfies the eligibility criteria specified in subsection (a)(1), the mandatory registrant will be reassigned to another component of Project-Chance.

- B) Job-Club staff shall advise the Project-Chance worker of less-than-satisfactory attendance and participation as the situation arises.

e) Work Experience

Mandatory registrants near job ready participants who have not found employment and who need orientation to work, work experience or training, in order to prevent deterioration of or to enhance existing skills are referred to the Work Experience component. Work Experience assignments are with not-for-profit and public agencies statewide. Not-for profit and public agencies shall not use Work Experience mandatory registrants participants to displace regular employees (see subsection (e)(4) below). Work experience programs shall be limited to those which serve a useful public purpose in field such as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and child care. Participants in Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) for a Federal office or agency with its consent, and, notwithstanding (31 U.S.C. 1342), or any other provision of law, such agency may accept such

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

services, but such participants shall not be considered to be Federal employees for any purpose.

1) Eligibility Criteria Assignment to Work Experience

A) The Work Experience component is for mandatory registrants-participants determined:

Ai) to have no recent work history or employer references taking into consideration such factors as the mandatory registrant's educational background and previous training; or

Bii) to need experience to prevent deterioration of or to enhance existing skills (e.g., typing); and

C) not-to-be-exempt-from-participation--An individual shall-be-exempt-from-Work Experience-participation-when-that individual:

it) is-employed-at-least-eight-(8)-hours per-week;-or

ii) is-a-member-of-an-APDC-assistance-unit receiving-less-than-\$134.00-monthly-

2) Entry into the Component

A) Assignment-to-the-Work-Experience-component occurs-after-the-intensive-job-search-period has-been-completed-unless-the-mandatory registrant-is-participating-in-another Project-Chance-component--Mandatory registrants-who-do-not-obtain-employment-at the-end-of-the-intensive-job-search-period and-are-determined-to-be-eligible-for-the Work-Experience-component-based-on-an assessment-of-their-educational-training-and employment-history-will-be-assigned-to-the Work-Experience-component-unless-exempt-from Work-Experience--Procedures-used-in-the assessment-are-a-face-to-face-meeting-with

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

the-mandatory-registrant-and-a-review-of-all available-information-on-the-mandatory registrant-(including-but-not-limited-to-the mandatory-registrant's-employment-history)-

B) Entry into Work Experience

Participants are determined to be eligible for the Work Experience component, based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including but not limited to the participant's case record).

BC) Work Experience Classifications

The Work Experience assignment is subdivided into four Work Experience classifications which are such as Clerical Aide, Dietary Aide, Maintenance Aide, and Program Aide. A mandatory registrant-participant shall be assigned to one of these classifications based on his work history, prior training, experience, skills and vocational preference. The date the mandatory-registrant participant is scheduled to begin the work assignment marks the beginning of participation in Work Experience.

D) Work Experience activities may be combined with other component activities if it is determined appropriate.

3) Participation Requirements

A) Work assignment consists of three 30-day periods. (The date the mandatory-registrant-participant is to appear at the work assignment begins the three 30-day periods.) The hours of the work assignment for a 30-day period shall not exceed the family's AFDC grant received in the fiscal month during which the assignment is made

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78

Project Chance Components (Cont'd.)

divided by the federal minimum wage. (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection (except for the \$50 pass through) shall be excluded in determining the maximum number of hours that the participant is required to work. In order to provide consistency for both work assignment sponsors and mandatory registrants, participants, the required number of hours will be rounded down to the nearest increment of eight (8) hours. The minimum number of hours that must be completed within a 30-day period is forty (40) hours, and the maximum number of hours that must be completed within a 30-day period is eighty (80) hours.

B) During work assignment, mandatory registrants-the participant shall be required to make eight (8) up to five (5) employer contacts per month or participate in education and training programs. Mandatory registrants-participants are required to accept bona fide offers of employment pursuant to Section 112.72.

C) Mandatory registrants-participants are also required to report as scheduled and on time to their work assignment sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment sponsor.

D) The individual must be making satisfactory progress as defined by the written policy of the Work Experience Sponsor.

4) Reassessment

At the end of the third 30-day period, the mandatory registrant's employability will be

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78

Project Chance Components (Cont'd.)

evaluated using the procedures and criteria described in Sections 112.74. If continuing the work assignment will benefit the mandatory registrant in terms of furthering work skills (see subsection (c)(1)(A) and (B)), the mandatory registrant shall be reassigned to the work assignment. Otherwise, the mandatory registrant will be assessed for assignment to another Project Chance component.

3) Length of Assignment

A) After an individual has been assigned to a position for a total of nine (9) months, such individual may not be required to continue in that assignment unless the maximum number of hours of participation is no greater than the family's grant divided by the highest of:

- i) the Federal minimum wage; or
- ii) the applicable State minimum wage; or
- iii) the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site.

B) The portion of a recipient's aid for which the State is reimbursed by a child support collection (not including the \$50 pass through) shall continue to be excluded in determining the number of hours that such individuals may be required to work.

4) Displacement

A) The Work Experience Sponsor shall not use participants to displace persons:

- i) who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78

Project Chance Components (Cont'd.)

on leave status due to disability, personal reasons, or any other reason;

ii) who are or have been involved in a labor dispute between a labor organization and the Sponsor; or

iii) who have been temporarily laid off by the Sponsor.

B) Participants or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

i) the name and address of the participant i.e., the grievant;

ii) the participant's public aid case number;

iii) the participant's social security number;

iv) Work Experience (work site); and

v) a statement as to why the participant believes he/she is causing displacement.

C) Within ten (10) days of receipt of a written grievance, the Department will arrange an in-person conference with:

i) the participant;

ii) the participant's representative, if any;

iii) the Work Experience Sponsor;

iv) the Work Experience Sponsor's representative, if any; and

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78

Project Chance Components (Cont'd.)

v) the Department's representative.

D) At the in-person conference, the Department will solicit and receive from the participant and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the participant and/or the Department.

E) Within fifteen (15) days of the in-person conference, the Department will advise the participant and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

F) If the Department concludes that displacement occurred, the Department will terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of Project Chance participants in addition to the participant, then the Department may terminate those Project Chance participants' assignment to that work assignment Sponsor.

G) All participants are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.

†) Special Projects

Mandatory registrants who will benefit from short-term training and job placement assistance are referred to the Special Projects component. The Special Projects component offers special time-limited services for specific target populations. (The location of Special

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

Projects vary depending on area needs and project availability.

1) Eligibility Criteria

The Special Project component is for mandatory registrants determined to:

- A) be able to benefit from short-term vocational training (e.g., an individual has the interest and ability to complete the training program and be hired in a position for which he has trained);
- B) be readily employable with the addition of short-term training (e.g., training for a specific job for which there are jobs available); and
- C) meet specific project entry criteria.

2) Entry into the Component

Assignment of mandatory registrants to Special Projects will be made subsequent to participation in IJS and the full assessment.

3) Participation Requirements

A) The mandatory registrant must maintain a level of satisfactory attendance and progress as established and reported by Special Projects staff.

B) Verification of attendance and progress (i.e., statements signed by the instructor, records and reports prepared at the end of the term-- Additionally if the Department is paying for child care and/or transportation to enable the client to participate in the Special Project activity, the client must provide monthly verification of his attendance) must be provided.

4) Reassessment

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

The Project Chance worker contacts mandatory registrants on a monthly basis if the supportive-service payments identified in Section 112.82 are issued. Mandatory registrants not requiring supportive-service payments or receiving these payments from another source require a contact every six (6) months or at program completion whichever comes first. Mandatory registrant contact consists of attendance reports, progress reports, group or individual sessions, on-site program visits and written correspondence.

- G) A Project Chance mandatory registrant once assigned to a component shall not be sanctioned for nonoperation with Project Chance where the alleged nonoperation is based on participation requirements not listed in this Part.

f) On the Job Training (OJT)

In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

1) Assignment to OJT

- A) Job ready individuals may be assigned to OJT.
 - B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.
 - C) Wages to participants in OJT are considered earned income.
 - D) OJT may be combined with other component activities if it is determined appropriate.
- 2) Participation Requirements
- A) The participant must attend all scheduled days.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

- B) The participant must make satisfactory progress as determined by the employer.

g) Exchange Program (see Section 112.98)

h) Post Secondary Education

Individuals may be referred to post secondary education programs. Post secondary education must be administered by an educational institution accredited under requirements of State law.

1) Assignment to Post Secondary Education

- A) The participant is unemployed or employed and in need of further education to enhance employment/earning potential.

B) The participant possesses the aptitude, ability and interest necessary for success in the selected program (as determined by such factors as test results, educational/training background).

- C) The program is accredited under requirements of State law.

D) The program is needed for the participant to obtain useful employment in a recognized occupation (according to the Dictionary of Occupational Titles (DOT), the Department of Employment Security (DES) and/or other documented and reliable sources (e.g., Horizons, Department of Commerce and Community Affairs (DCCA) and/or the placement officer at an educational institution). Jobs must be available in the chosen field upon program completion.

- E) The program is full-time or a full-time program is not available or appropriate.

F) The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78 Project Chance Components (Cont'd.)

- G) If the participant possesses a Baccalaureate degree, no additional education may be approved.

H) The program cannot be a post graduate program.

I) Post secondary education activities may be combined with other component activities if it is determined appropriate.

2) Participation Requirements

- A) The participant must be making satisfactory progress as defined by the written policy of the institution.

B) The participant must secure funding for tuition payment. Available educational benefits may include, but are not limited to, resources such as the Pell grant and scholarship from the Illinois State Scholarship Commission, as well as, any scholarship or grants identified by the education or training facility for which the participant may be eligible. Income from educational loans and grants are exempt from consideration as budgeted income toward the assistance grant (see Section 112.144).

i) Self Initiated Education

Participants who are attending in good standing an institution of higher education or a vocational or technical program at the time they enter the Project Chance program, may continue to attend if the program is approved by the Project Chance program.

1) Assignment to Self Initiated Education

- A) The participant is unemployed or employed and in need of further education to enhance employment/earning potential.

B) The participant possesses the aptitude, ability and interest necessary for success

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78

Project Chance Components (Cont'd.)

in the selected program (as determined by such factors as test results, educational/training background).

C) The program is accredited under requirements of State law.

D) The program is needed for the participant to obtain useful employment in a recognized occupation (according to the Dictionary of Occupational Titles (DOT), the Department of Employment Security (DES) and/or other documented and reliable sources (e.g., Horizons, Department of Commerce and Community Affairs (DCCA) and/or the Placement officer at an educational institution). Jobs must be available in the chosen field upon program completion.

E) The program is full-time or a full-time program is not available or appropriate.

F) The program selected may be no more than a program that will result in the receipt of a Baccalaureate Degree.

G) If the participant possesses a Baccalaureate degree, no additional education may be approved.

H) The program cannot be a post graduate program.

I) Self initiated education activities may be combined with other component activities if it is determined appropriate.

2) Participation Requirements

A) The participant must be making satisfactory progress as defined by the written policy of the institution.

B) The participant must secure funding for tuition payment. Available educational benefits may include, but are not limited

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.78

Project Chance Components (Cont'd.)

to, resources such as the Pell grant and scholarship from the Illinois State Scholarship Commission, as well as, any scholarship or grants identified by the education or training facility for which the participant may be eligible. Income from educational loans and grants are exempt from consideration as budgeted income toward the assistance grant (see Section 112.144).

3) Supportive Service Limits

A) Payment will not be made by the Project Chance program for books, fees, or other costs of self initiated education or training.

B) Individuals in approved self initiated activities may be eligible for child care and transportation as a supportive service.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 112.79

Project Chance Sanctions

a) Sanctions shall be imposed against those mandatory-registered who have received a full assessment and non-exempt participants who refuse or fail to participate without good cause in Project Chance (see Section 112.80 for good cause as specified in subsection (b) below). For the first failure to cooperate, the sanction period lasts until the participant agrees to cooperate. A sanction period of three (3) payment months or until the individual cooperates whichever is longer is imposed for the first-second failure to participate; a sanction period of six (6) payment months or until the individual cooperates whichever is longer is imposed for subsequent failures to participate. The Department will not impose a six-month sanction on any mandatory registered due to a sanction imposed prior to May-30-1986.

b) Sanctions

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.79

Project Chance Sanctions (Cont'd.)

- 1) Sanctioning of a non-exempt participant will result from one instance of any of the following:

- A) failure to respond to a job referral;
- B) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));
- C) discontinuing part-time employment (less than 100-30 hours per month week) (see Section 112.64);
- D) reducing employment (i.e., hours of employment) (see Section 112.64(d)(1)); or
- E) use of a supportive service payment (see Section 112.82) for something other than the supportive service for which it was provided, failure to respond to call-in notices on two (2) separate occasions for an Orientation appointment (see Section 112.76);
- F) failure to report to an assessment interview (see Section 112.74);
- G) failure to report to a job readiness skills training session (see Section 112.78);
- H) failure to participate in the Project Chance component activity.

- 2) Sanctioning will result from two of the following instances of non-cooperation with Project Chance in a sixty (60)-day period:

- AI) A mandatory registrant fails or refuses failure to respond to a written notice for a meeting. For the purposes of determining attendance at Project Chance meetings, if the mandatory registrant non-exempt participant arrives anytime within thirty (30) minutes of the start of the scheduled meeting, the mandatory registrant non-exempt participant will be considered present and will be seen. If the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.79

Project Chance Sanctions (Cont'd.)

education/training activities, employability status;

mandatory registrant non-exempt participant has good cause (see Section 112.80) for being more than thirty (30) minutes late the tardiness will be excused. The Project Chance worker will include the mandatory registrant non-exempt participant in a scheduled group or other meeting or re-schedule the mandatory non-exempt registrant for another meeting;

- B) A mandatory registrant fails or refuses to complete twenty (20) acceptable employer contacts every thirty (30) days while assigned to intensive job search or job club (see Section 112.78);

- C) A mandatory registrant fails or refuses to complete eight (8) acceptable employer contacts every thirty (30) days while assigned to Work Experience (see Section 112.78);

- BJ) A mandatory registrant fails or refuses failure to provide verification of the required number of acceptable employer contacts when employer contact activity is required in a component, pre-employment

- EK) A mandatory registrant refuses failure to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in Project Chance activities;

- FT) While in intensive job search, if a mandatory registrant is assigned to a job-seeking skills workshop, all meetings must be attended. Missing one or more meetings is considered one instance of non-cooperation during a thirty (30)-day period (see Section 112.78);

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.79

Project Chance Sanctions (Cont'd.)

- 6L) A mandatory registrant in the Work Experience component must report to the work assignment every day scheduled. Missing one or more days of the assignment is considered one instance of non-cooperation during a thirty-(30)-day period (see Section 112.78). Failure to report the first time and every scheduled day on time to the Work Experience site.
- HM) After a mandatory registrant participant agrees to participate in a pre-employment- an education/training activity, he/she must maintain a satisfactory level of attendance and progress as established by the educational facility. If an 80% attendance rate if none other is set. Not maintaining a satisfactory level of attendance during a thirty-(30)-day period is considered as one instance of non-cooperation, and the participant must have an attendance rate of at least 75% of a scheduled activity.
- I) The mandatory registrant must attend all job club meetings scheduled, if assigned to this component. Missing one or more meetings during the thirty-(30)-day assignment period is considered one instance of non-cooperation (see Section 112.78).
- e) A Project Chance sanction shall be imposed only on mandatory registrants who have received a full assessment (see Section 112.74 for assessment criteria).
- dc) No Project Chance sanction will be imposed until Project Chance staff has sent the mandatory registrant non-exempt participant a written notice scheduling a meeting to determine whether or not the mandatory registrant non-exempt participant had good cause for his/her failure to comply with Project Chance requirements and the mandatory registrant non-exempt participant has either failed to attend the meeting or failed to show good cause. The written notice shall explain the purpose of the appointment and the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.79

Project Chance Sanctions (Cont'd.)

- consequences for failure to attend or failure to show good cause. Failure of the mandatory registrant non-exempt participant to appear for the scheduled meeting is not considered an instance of noncooperation.
- ed) A Project Chance sanction may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the mandatory registrant non-exempt participant establishes good cause (see Section 112.80 for good cause criteria).
- fe) When an AFDC-U case is sanctioned for non-compliance with Project Chance, the principal wage earner's "connection to the labor force" shall not have to be reestablished at the end of the sanction period unless assistance has been cancelled for another reason.
- gf) The notice of change form issued for a Project Chance sanction shall include the following:
- 1) a description of the acts of noncooperation with Project Chance, including dates where applicable;
 - 2) a statement that the mandatory registrant's non-exempt participants acts were without good cause (see Section 112.80 for good cause criteria); and
 - 3) in addition, the following language will be required: You will be sanctioned until (last day of sanction period). In order for cash assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application (or written request) for cash assistance between (x date) and (y date). If you apply later than (y date), there may be a further gap in assistance.
- g) A notice will be sent to sanctioned individuals whose refusal/failure to cooperate has continued for three (3) months explaining the individual's option to end the sanction.
- h) Receipt of Medical Assistance and/or Food Stamps shall

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.79 Project Chance Sanctions (Cont'd.)

not be terminated as a result of a Project Chance sanction.

- i) During the sanction period, the following persons are ineligible for cash assistance: the individual who refuses/fails to cooperate with Project Chance is ineligible for financial assistance. If the individual sanctioned is the parent in the case, and a second parent is in the case, the second parent shall also be sanctioned unless the parent is participating in the Project Chance Program.

1) If the sanctioned individual is the caretaker relative in an APDG-R-easer-only that individual is ineligible for financial assistance during the sanction period.

2) If the sanctioned individual is the only dependent child in the family in any APDG-easer the entire assistance unit is ineligible for financial assistance during the sanction period.

3) If the sanctioned individual is one of several children in the family in any APDG-easer-only that individual is ineligible for financial assistance during the sanction period.

4) If the principal wage earner in an APDG-U-ease is sanctioned, the entire assistance unit is ineligible for financial assistance for the duration of the sanction period.

5) If the other parent in an APDG-U-ease is sanctioned, only that individual is ineligible for financial assistance during the sanction period.

- j) Volunteers-Exempt volunteers in Project Chance who fail or refuse to cooperate with Project Chance will not have their assistance grants cancelled or reduced, provided their exemption status has not changed to non-exempt. Exempt volunteers will lose their priority status if they refuse or fail to cooperate.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements

- a) If a mandatory-~~registrant~~-participant has good cause for not complying with a Project Chance participation requirement, financial assistance shall not be discontinued ~~or the assistance unit shall not be sanctioned~~. Examples of good cause include but are not limited to:

- 1) illness or incapacity;
- 2) court required appearance or temporary incarceration;
- 3) family crisis;
- 4) death in the family;
- 5) breakdown in child care arrangement;
- 6) sudden and unexpected emergency;
- 7) unavailability of otherwise suitable child care;
- 8) breakdown in transportation arrangements or lack of reasonably available transportation;
- 9) inclement weather;
- 10) the job referral does not meet appropriate work or training criteria (see Section ~~112.74~~ 112.72);
- 11) lack of any supportive service (see Section 112.82), even though the necessary service is not specifically provided under Project Chance, to the extent the lack of the needed service presents a significant barrier to Project Chance participation;
- 12) if an individual is engaged in employment and/or training that is consistent with the employment related goals of the program, if such employment and training is later approved by Project Chance staff (e.g., a mandatory-~~registrant~~ participant is unable to attend an orientation session because she is already attending GED classes).

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

Section 112.80 Good Cause for Failure to Comply With
Project Chance Participation Requirements
(Cont'd.)

- 13) failure to cooperate due to symptoms of conditions for which the participant may need rehabilitation services;
- 14) failure of Department staff to correctly forward the information to Project Chance staff;
- 15) failure of the participant to cooperate because of attendance at a test or a mandatory class or function at an educational program (including college), whether or not such program is officially approved by Project Chance. When Project Chance workers know in advance of such tests and mandatory classes or functions, they shall schedule Project Chance activities around them if possible;
- 16) failure of the participant due to his/her illiteracy;
- 17) failure of the participant because it is determined that he/she should be in a different Project Chance component;
- 18) non-receipt by the participant of a notice advising him/her of a participation requirement, if documented by the participant. Documentation can include, but is not limited to: a written statement from the post office or other informed individual; the notice not sent to the participant's last known address in Department records; return of the notice by the post office; other returned mail; proof of previous mail theft problems. When determining whether or not the participant has demonstrated non-receipt, the Department shall take into consideration a participant's history of cooperation or non-cooperation in the past. If the documented non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to participants;

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

Section 112.80 Good Cause for Failure to Comply With
Project Chance Participation Requirements
(Cont'd.)

- 19) not accepting employment that would result in a net loss of cash income;
 - 20) non-comprehension of written and/or oral English;
 - 21) failure of Project Chance staff to make an appropriate employability assessment and/or plan;
 - 22) circumstances beyond the control of the participant which prevent the participant from completing program requirements; or
 - 23) other reasons not listed that Project Chance staff determine are appropriate.
- b) The Project Chance worker will not require a ~~mandatory~~ ~~registrant~~ non-exempt participant to document good cause for noncooperation with Project Chance requirements unless:
- 1) the ~~mandatory-registrant~~ non-exempt participant has failed to comply with Project Chance requirements on at least one other occasion within a sixty (60) day period; or
 - 2) evidence independent of the explanation of good cause casts doubt on the ~~mandatory-registrant's~~ non-exempt participant's explanation.
- c) No ~~mandatory-registrant~~ non-exempt participant shall be denied good cause solely on the basis that he or she failed to notify the Department in advance of a participation requirement.
- (Source: Amended at 14 Ill. Reg. _____, effective _____)
- Section 112.82 Project Chance Supportive Services
- a) AFDC ~~mandatory-registrants~~-participants involved in Project Chance are eligible to receive supportive service payments to enable them to participate in the program.
 - b) During the full initial assessment, the supportive

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.82 Project Chance Supportive Services (Cont'd.)

services needed by the mandatory registrant participant which must be discussed and provided or arranged as needed include at least the following:

- 1) transportation;
- 2) child care;
- 3) employment-related medical services (e.g., TB test) job search allowance;
- 4) vocational rehabilitation;
- 5) initial employment expenses;
- 6) required books, fees, supplies; and
- 7) pre-employment and pre-training physicals, and required physical examinations and medical services (e.g., TB test).

8) emergency intervention services.

ed) Regarding emergency intervention services, Project Chance staff will refer the mandatory registrant to the appropriate local office for application under the Crisis Assistance Program (see 89-III-Adm-Code 112.78). At a reassessment of a mandatory registrant's component participation, the need for supportive services will be discussed.

ed) Project Chance participation will not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source.

ed) Eligible Services

1) Transportation

- A) If requested and required (e.g., a client participant who does not have an automobile), expenses for transportation will be provided to enable mandatory registrants participants to attend Orientation and Assessment meetings.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.82 Project Chance Supportive Services (Cont'd.)

B) Transportation expenses are to be paid to permit participation in the Work-Experience-Club, Pre-Employment and Special-Project components Project Chance.

C) Transportation payments are made at the most reasonable and most economical rate, whichever is less. If the mandatory registrant's participant's own automobile is used, the established State rate per mile (i.e., 24¢ per mile) will be approved, which includes all vehicle-related expenses.

B) Transportation expenses to go to and from work until receipt of first paycheck.

2) Day-Child Care

A) If requested and required (e.g., when school is not in session), expenses for day-child care services will be provided to enable mandatory registrants participants to attend Orientation and Assessment meetings.

B) Day-Child care expenses are to be paid to permit participation in the Work-Experience-Club, Pre-Employment and Special-Project components Project Chance (see Section 112.78).

C) Maximum rates for day-child care have been established by the Illinois Department of Children and Family Services (DCFS) (see 89 Ill. Adm. Code 356.5(g)). The Department will allow payment of an amount not to exceed the maximum rates per child as established by DCFS.

3) Job Search Allowance

- A) An allowance of \$20.00 a month is to be paid to mandatory registrants individuals participating in Intensive Job Search to assist in the payment of job search-related expenses.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.82 Project Chance Supportive Services (Cont'd.)

B) ~~An allowance of \$20.00 a month is to be paid to mandatory registrants participating in the Job-Gate component if an employee contact requirement (e.g. 7-20 employee contacts a month) is made.~~

EB) ~~An allowance of \$5.00 a month will be paid to mandatory registrants participating in Work-Experience individuals to assist in the payment of job search-related expenses if job search activities are part of another Project Chance component.~~

4) Mandatory Fees

~~Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to mandatory registrants participants enrolled in approved education or training programs (see Section 112.78). A maximum payment of \$300.00 per twelve (12) month period will be provided. No payments are allowed for tuition. (Mandatory fees cannot be paid for self initiated activities.)~~

5) Books and Supplies

~~Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a mandatory registrant participant is enrolled. A maximum payment of \$300.00 per twelve (12) month period can be provided. (Books and supplies cannot be paid for self-initiated activities.)~~

6) ~~Pre-Training and Pre-Employment Required Physical Examinations and Medical Services~~

~~Payment is permitted for mandatory registrants participants to obtain required pre-training-of pre-employment physical examinations and medical services (e.g., TB test) if the costs are not otherwise provided by sources such as the employer or the training program.~~

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.82 Project Chance Supportive Services (Cont'd.)

7) Initial Employment Expense

A) ~~Payment may be provided for employment expenses incurred and when requested prior to receipt of the first paycheck within thirty (30) calendar days from the date employment begins.~~

B) ~~These expenses include,~~

i) ~~special clothing (maximum \$200);~~

ii) ~~required tools which are not provided by the employer (maximum \$200);~~

iii) ~~repairs on an automobile (maximum \$300);~~

iv) ~~auto license plate fees;~~

v) ~~auto insurance at the cheapest rate; and~~

vi) ~~transportation expenses at the most reasonable and most economical rate, whichever is less. If the mandatory registrant's participant's own car is used, a gas allowance of \$4.15 daily or a rate of 21¢ a mile the established State rate per mile or a daily gas allowance based on 20 mile round trip at the established State rate per mile, whichever is less, shall be authorized;~~

vii) ~~child care~~

viii) ~~physical examinations prior to employment if not provided by the employer; and~~

ix) ~~other required items related to a specific job (maximum \$300).~~

C) ~~Initial employment expenses will not be authorized to purchase fire arms or to pay bail bonds or traffic tickets.~~

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.82 Project Chance Supportive Services (Cont'd.)

- f) These allowances are exempt from consideration in determining the AFDC grant amount.

g) Ancillary Supportive Services

- 1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed, to enable them to participate in Project Chance:

- A) vocational rehabilitation;
- B) emergency intervention services;
- C) substance abuse or domestic violence programs; and
- D) life skills training activities.

- 2) Regarding emergency intervention services, Project Chance staff will refer the participant to the appropriate Local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services will be discussed with the participant when a review of the participant's employability plan is made.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 112.83 Employment-Child-Care Young Parents Program

- a) The Department will pay for child-care for a maximum of six (6) months for AFDC recipients who obtain employment and are no longer eligible for AFDC benefits if the individual requests payment for child care within six (6) months of the month of cancellation of assistance.

- b) Payments for child-care will be made in amounts not to exceed the maximum rates per child as established by BPRS--(See 89 Ill. Adm. Code-356.5(g)).--The individual shall be subject to the child-care eligibility criteria established by BPRS--(see 89 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.83 Employment-Child-Care Young Parents Program

(Cont'd)

Adm--Code-303)--and--shall--be--subject--to--the--fee schedule--established--by--BPRS--(see--89--Ill--Adm--Code--352)--.

- a) Young Parents Program ("YPP" and "Program") is a voluntary program for pregnant or parenting recipients under the age of 21 and who meet the criteria of Section 112.70. The Program assists participants toward self support, reduction of unwanted repeat pregnancies and attainment of optimum physical and mental health for themselves and their children. The Program offers supportive services, service payments, counseling, instruction, and brokerage to assist participants to attain their goals of education and training, develop job readiness and enhance family management, daily living, family health and personal skills needed for self-sufficiency. Participation in the Young Parents Program is considered the same as participation in Project Chance.

b) Program Services

- 1) Program services are available for all Cook County residents meeting YPP eligibility requirements, except those residing in the areas served by the Southeast, Auburn Park, Roseland and South Suburban local offices. YPP participants are entitled to the same supportive services as Project Chance veterans--(see participants as described in Section 112.82). To be eligible to enroll, a person must be pregnant or a parent, under the age of 21 and a recipient of assistance from one of the following programs administered by the Department:

- A) Medical Assistance/Grant Programs (MAG);
- i) Refugee/Repatriate Programs (RRA);
- ii) Aid to Families with Dependent Children/Regular (AFDC-R);
- iii) Aid to Families with Dependent Children/Unemployed Parent (AFDC-U); or

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.83 Employment-Child-Care Young Parents Program
(Cont'd)

- iv) General Assistance (GA).
- B) Medical Assistance/No Grant Programs (MANG - Non-spend down);
 - i) Medical Assistance to Families with Dependent Children (AFDC MANG-CR); or
 - ii) Medical Assistance to Families with Dependent Children/Unemployed Parent (AFDC MANG-CU).
- 2) A participant who attains age 21 may remain in the Program for completion of YPP service plans in effect on his or her twenty-first birthday. Upon completion of the service plan, the client participant is moved to Project Chancey-if-a mandatory-participant-under-Section-112.70-or-moved-as-a-volunteer-if-exempt-from-participation-under-Section-112.71-for-completion-of-the-plan-of-self-support (see Sections 112.70 thru 112.82).

c) YPP operates as follows:

- 1) Participation in the Program begins with attendance at a scheduled orientation session. The orientation session provides an overview of YPP and discussions of opportunities, personal goals, and the advantages of self-support, and problems of teenage parents. At orientation the participant is also advised as to the voluntary and mandatory aspects of the Program.
- 2) Following the orientation session, participants are scheduled to attend a series of 3 half day workshops. Each half day session is conducted on a different day. Workshop participants receive information on and are afforded the opportunity to discuss topics such as birth control, education, training, nutrition, self support services, parenting, advocacy, community resources, the world of work, self-esteem and family health care. A self assessment is completed and a literacy test is administered.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.83 Employment-Child-Care Young Parents Program
(Cont'd)

- 3) After the final workshop, an individual interview is conducted or an appointment for an interview is arranged. At the interview, the participant's interests, abilities and skills are reviewed. Together with the participant, goals and a plan of self-support will be developed. The participant is assigned to the appropriate YPP component and, based on an assessment of the participant's needs, may be referred to other appropriate services (e.g., mental health counseling, drug or alcohol abuse counseling and treatment).

d) Assignment to YPP Component

- 1) On the basis of the interviewer's assessment of the participant's education, training and skills, the participant is assigned to one of the following YPP components: ~~for-a-period-of-three (3)-months,-English-as-a-Second-Language-(ESL), vocational-training,-and-job-club/job-seeker-education, job skills training, job readiness or job search.~~ Participation in each of the YPP components consists of performance of component related activities such as: enrolling in and attending school, ESL English as a Second Language (ESL) instruction, training, or conducting a job search; and/or attending assigned group and/or individual activities.

A) Seheet Education

- i) Participants currently in school, those wishing to return to school, and those not in school but in need of remedial schooling (e.g., express a desire for education, cannot read or write) are assigned to the Seheet Education component. These participants are assisted in locating facilities or programs suited to their education or training needs.

B) ii) English-as-a-Second-Language

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.83

Employment-Child-Care Young Parents Program
(Cont'd)

Participants that do not have the necessary English language skills (i.e., lacks ability to read, write or speak English) to obtain employment are assigned to the ES&S Education component. These participants are assisted in locating facilities or programs that will teach them English. Participants may receive educational services on-site.

iii) See Section 112.78(a) for a description of this component, as well as for the participation requirements.

EC) Vocational-Training Job Skills Training

i) Participants with a GED certificate or a high school diploma will be evaluated for assignment to the Vocational Job Skills Training component. They will be referred for vocational training programs such as those offered by JTPA, the city colleges, and Project Chance if they meet the requirements of those programs.

ii) Participants entering YPP without a high school diploma and already enrolled in vocational training will also be required to participate in GED classes.

iii) See Section 112.78(b) for a description of this component as well as for the participation requirements.

BC) Job-Club/Job-Search Job Readiness

i) The Job Readiness Component is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This component

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.83

Employment-Child-Care Young Parents Program
(Cont'd)

helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

ii) See Section 112.78(c) for a description of this component, as well as for the participation requirements.

D) Job Search

i) Participants in need of intensified job search skills (i.e., has never sought or held a job) or who are determined to be job ready are assigned to ~~Job Search~~^{Job Search, for a period of 3 months} which offers group, instruction, individual counseling and experiential learning to teach participants how to seek employment. A participant is determined to be job ready if an assessment of the participant demonstrates the educational background, work experience, and motivation necessary for entry into the job market. This assessment is done at the end of the three day workshop, upon completion of a YPP component, or following job club activities. Job ready participants receive Project Chance services. Participants will conduct an independent job search (IJS), monitored by YPP workers. Participants conducting independent job search will make five (5) employer contacts weekly and attend weekly IJS group sessions.

ii) See Section 112.78(d) for a description of this component, as well as for the participation requirements.

2) Regardless of component assignment, participants lacking such skills as the parenting, home management, daily living, problem solving or

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.83 Employment-Child-Care Young Parents Program
(Cont'd)

socialization will be assigned-to-Personal-Skills Development receive personal skill development as part of their component assignment. This activity consists of Parent Training/Enrichment sessions, a series of group instruction seminars and experiential learning activities, and/or Intensive Counseling.

e) Post Secondary Education

See Section 112.78(h) for a description of this component, as well as for the participation requirements.

f) Self-initiated Education

See Section 112.78(i) for a description of this component, as well as for the participation requirements.

eg) If a need for services other than or in addition to YPP services is determined, the participant will be assisted in obtaining necessary services or will be referred to the appropriate provider.

fh) Every three (3) months or more frequently, depending on the existence of circumstances that would affect placement in a component or participation in the program, the YPP worker shall make personal contact with the participant to review that participant's service employability plan in relation to his/her needs, circumstances and progress.

gi) Every six (6) months or more frequently, depending on the existence of circumstances that would affect placement in a component or participation in the program, the YPP worker shall determine whether to continue, revise or terminate the participant's service employability plan and/or component assignment.

hj) If the employability plan and/or assigned component are not suited to a participant's needs, the service employability plan shall be revised with input from the participant and the YPP worker and, if necessary,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.83 Employment-Child-Care Young Parents Program
(Cont'd)

the participant shall be assigned to a more suitable component.

ik) Other Considerations

1) If the participant is under age 21 and completes the requirements of a service an employability plan and/or component, the service employability plan may be revised and, if necessary, the participant may be assigned to a different component.

2) If the participant reaches age 21 but has not yet attained his/her goal, he/she may remain an active YPP participant until completion of the goal.

jl) Temporary-Excuse-From-Participation Young Parents Program Sanction

See Section 112.79 for the Department's policy on sanctions for failure to cooperate with Young Parents Program requirements.

1) A YPP worker may temporarily-excuse-a-participant from-component-participation-for-good-cause-for period-of-not-more-than-three-calendar-months.--A participant-will-be-excused-for-the-period-of time-necessary-to-remedy-the-underlying-cause-of the-excuse.--Good-cause-includes-but-is-not limited-to--serious-health-problems, unexpected emergencies, or serious social problems. Services-provided-under-subsection-(b)(2)-are available-to-participants-excused-from-component participation-for-good-cause.

2) When-the-excused-absence-period-expires, the participant's ability-to-participate-will-be reevaluated-according-to-the-standards-and

procedures-set-forth-in-subsection-(b)(1)-(c)-and (d).--If-it-is-determined-that-the-participant remains-unable-to-participate, his-or-her-YPP case-may-be-suspended-while-the-basis-for-the excuse-permits-up-to-90-days.--Cases-in

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.83

Employment-Child-Care Young Parents Program
(Cont'd)

suspension-are-eligible-only-for-counseling, information-and-referral-and-case-management services. A case may only be in suspension status when there is reason to believe that the basis for the excuse can be overcome within the period of suspension.

M) Good cause for failure to comply with Young Parents Program Participation requirements

See Section 112.80 for the Department's policy on good cause for failure to comply with Young Parents Program participation requirements.

N) Termination Of YPP Cases

YPP cases shall be terminated for any of the following reasons:

- 1) the participant no longer receives assistance through a YPP eligible public assistance program (see subsection (b)(1) above);
- 2) the participant is age 21 or over and completes all YPP plans;
- 3) the participant who is a volunteer and is exempt from participation requests YPP case cancellation;
- 4) the participant obtains full-time employment and remains employed for six (6) consecutive months;
- 5) the participant who is a volunteer and is exempt from participation elects to enroll in a program providing services similar to those offered by YPP (e.g. Parents Too Soon, Project Match);
- 6) for a period of three (3) consecutive months, the participant who is a volunteer and is exempt from participation fails without good cause, to engage in the activity or level of activity agreed upon in the YPP service-employability plan; or
- 7) the participant moves from Cook County or a move within Cook County causes participation not to be

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.83

Employment-Child-Care Young Parents Program
(Cont'd)

convenient. (In such an instance, the YPP case is transferred to the appropriate Project Chance office); or

8) when a participant has been excused for good cause for three (3) months, but whose participation will not be suspended pursuant to subsection (j)(2), or

8) when a participant's status changes to exempt and he/she does not wish to volunteer for YPP services.

9) following the period of suspension if the basis for the excuse continues to exist.

o) Conciliation and Fair Hearings

See Section 112.77 for the Department's policy on Conciliation and Fair Hearings.

p) Expenses

1) In order to enable YPP participants to engage in YPP approved activities or to provide access to services for the treatment of physical, mental and/or substance abuse related problems for themselves and/or their children, payment requests for certain education or training expenses, initial employment expenses, job search allowance child care and/or transportation costs may be approved by YPP workers. YPP shall not duplicate payments made by other programs in which the client is participating, such as Project Chance or JTPA.

1) JPS-Job Search participants will receive a weekly transportation allowance in bus tokens. The first week's tokens will be issued in advance. Subsequent issuances will be made if the participant provides names and telephone numbers of five (5) employers contacted each week.

2) Transportation expenses for participation in other YPP components will be paid in advance of the first two (2) weeks of scheduled

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.83 Employment-Child-Care Young Parents Program
(Cont'd)

participation. At the end of the month, the participant must verify his/her attendance at the scheduled sessions using a record provided by the educational or training institution or a YPP form verifying the participant's attendance. The YPP participant will be reimbursed for the least expensive available means of transportation.

- 3) Transportation expenses to provide access to services for the treatment of physical, mental, and/or substance abuse related problems for YPP participants themselves and/or their children shall be approved by YPP workers.
- 4) YPP workers shall approve initial employment to expenses necessary to enable a participant to accept employment.
- 5) Education and training expenses such as books, supplies, and mandatory education fees for participants of the Education, Vocational Training, and the ESL components shall be approved by YPP workers.
- 6) In order to enable YPP participants to participate in any YPP approved activity except for employment, child care expenses will be provided.

(Source: Section Repealed; new Section renumbered from Section 112.315 and amended at 14 Ill. Reg. _____, effective _____)

Section 112.308 Special Needs Authorizations

The Department will include the following special authorizations when determining initial and continued eligibility for AFDC items in subsections (a), (b), (c), and (d). If the AFDC unit is determined eligible (or presumptively eligible) for an assistance payment, additional payment(s) will be authorized upon request of the client and verification of provision of the service in the following circumstances:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.308 Special Needs Authorizations (Cont'd)

- a) A student who is a junior or senior in high school and is included in the assistance unit as an eligible child. The allowance is \$15.00 per quarter payable three times a year.

- b) A therapeutic diet allowance is required for an eligible recipient who is diabetic and the diet is prescribed by a physician. The amounts are

- 1) Children \$17.82 per month
- 2) Adults, less than \$ 7.92 per month
1700 calories
- 3) Adults, 1700 calories or more \$17.82 per month

- e) Day-care-to-enable-the-caretaker-to-participate-in employment, education or training. -- For Representative Payee (RPP) cases when the caretaker relative is not a responsible relative (see subsection (c) below).
Day-care-for-children-of-elementary-and-secondary school-parents-to-enable-the-parents-to-attend-school (includes RPP cases) (see subsection (c) below).

- e) Qualified providers and payment information

- 1) Qualified Providers

Payment will be approved for day care provided in any of the following:

- A) A LICENSED DAY-CARE CENTER

A DAY-CARE CENTER IS ANY CHILD-CARE FACILITY LICENSED BY THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS) WHICH:

- i) REGULARLY PROVIDES DAY-CARE FOR LESS THAN 24 HOURS PER DAY, AND
- ii) FOR MORE THAN 8 CHILDREN IN A FAMILY HOME, OR
- iii) FOR MORE THAN 3 CHILDREN IN A FACILITY OTHER THAN A FAMILY HOME, -- (Section

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.308 Special Needs Authorizations (Cont'd)

2-09-of-the-Child-Care-Act-of-1969
 Ill.-Rev.-Stat.-1987-eh.-23-par.
 2212-09+

B+ A-LICENSED-DAY-CARE-HOME

1+ A-DAY-CARE-HOME-IS-ANY-FAMILY-HOME
 WHICH-PROVIDES-DAY-CARE-FOR-LESS-THAN
 24-HOURS-PER-DAY-AND-FOR-MORE-THAN-3
 CHILDREN-UP-TO-A-MAXIMUM-OF-8
 CHILDREN--THE-MAXIMUM-OF-8-CHILDREN
 INCLUDES-THE-FAMILY'S-NATURAL-OR
 ADOPTED-CHILDREN-AND-ALL-PERSONS-UNDER
 THE-AGE-OF-14.

1+ A-LICENSED-DAY-CARE-HOME-DOES-NOT
 INCLUDE-A-HOME-WHICH-PROVIDES-DAY-CARE
 TO-ONLY-CHILDREN-FROM-THE-SAME
 HOUSEHOLD--A-DAY-CARE-HOME-MUST-BE
 LICENSED-BY-DEPS--(Section-2-18-of-the
 Child-Care-Act-of-1969--Ill.-Rev.-Stat.-
 1987-eh.-23-par.-2212-18)

C+ A-Home-Not-Subject-to-Licensing

A-home-not-subject-to-licensing-is-a-home
 which:

1+ provides-day-care-for-less-than-24
 hours-per-day-and

1+ does-not-meet-the-criteria-described
 above-for-a-day-care-center-or-day-care
 home.

2+ Payment-Information

A+ Maximum-rates-for-day-care-have-been
 established-by-the-DEPS-fee-89-Ill.-Adm-
 Code-356-5(g)--The-Department-of-Public
 Aid-will-allow-payment-in-an-amount-not-to
 exceed-the-maximum-rates-per-child-as
 established-by-DEPS.

B+ The-Department-will-make-payment-only-for
 the-days-care-is-required--However-if

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.308 Special Needs Authorizations (Cont'd)

necessary-a-day-care-arrangement-may-be
 maintained-when-care-is-not-actually
 provided-but-is-needed-to-maintain-the-day
 care-slot--Reasons-for-maintaining-an
 arrangement-for-day-care-includes--illness
 of-child-or-child's-caretaker-a-holiday
 vacation-of-the-child-or-of-the-child's
 caretaker--Payment-will-be-made-to-maintain
 an-arrangement-for-day-care-for-a-period-not
 to-exceed-the-total-of-two-calendar-weeks
 per-year.

C+ The-Department-will-not-make-payment-for-day
 care-provided-by-a-person-relative-of
 non-relative-living-in-the-same-home-as-the
 child-need-day-care.

B+ If-transportation-is-furnished-by-the-day
 care-provider-the-rate-approved-for-care
 includes-the-transportation-cost--No
 additional-payment-will-be-authorized-for
 transportation.

B+ The-Department-will-allow-payment-only-after
 the-child's-caretaker-has-submitted-a
 statement-signed-by-the-day-care-provider
 verifying-that-the-number-of-days/hours
 per-child-the-amount-of-care-provided.

B+ If-a-day-care-center-is-regular-charged-is
 less-than-the-maximum-rate-the-Department
 will-approve-the-regular-charges--The
 Department-will-not-pay-for-child-care
 services-at-a-rate-which-is-higher-than-the
 maximum-rate-charged-to-clients-for-whom
 services-are-not-paid-by-the-Department.

G+ The-Department-does-not-approve-payment-for
 any-day-the-day-care-center-is-not-in
 operation.

H+ In-not-for-profit-day-care-centers-the-rate
 paid-by-the-Department-will-not-exceed-the
 actual-cost-of-care-on-a-per-child-basis
 for-the-facility-providing-the-service-or
 the-maximum-charged-to-clients-for-whom

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.308

Special Needs Authorizations (Cont'd)

~~services are not paid by the Department. The Department will not pay more for clients for day care than is charged to a non-public aid client.~~

i) ~~The Department will not pay for special fees which may be charged by the center.~~

f) Correction of an underpayment.

g) A change in mailing date of the regular warrant creates a period of unmet need.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 112.315

Young Parents Program (Renumbered)

(Source: Renumbered to Section 112.83 at 14 Ill. Reg. _____, effective _____)

SUBPART J: CHILD CARE

Section 112.350

Child Care

The Department will guarantee child care:

a) for each family with a dependent child (as described in Section 112.352 of this Section) requiring such care, to the extent that such care is determined by the Department to be necessary for an individual in the family to accept employment or remain employed; and

b) for each individual participating in an education and training activity (including activities required for participation in Project Change as provided in Sections 112.74, 112.76 and 112.78) if the Department has approved the activity (in accordance with Section 112.78) and has determined that the individual is satisfactorily participating (as defined at Section 112.78) in the activity.

(Source: Added at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.352

Child Care Eligibility

a) Child care will be provided for a dependent child of a person receiving AFDC to allow such individual to participate in education or training, or to accept employment or remain employed. Such children must be:

1) under age thirteen (13); or

2) mentally or physically incapable of caring for themselves, as verified by the Department based upon a determination by a physician or licensed or certified psychologist; or,

3) under court supervision.

b) Eligibility is also extended to children who meet the criteria in subsection (a) who would be dependent except for benefits under Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or foster care under Title IV-E of the Social Security Act (42 U.S.C. 670 et. seq.) may also be provided child care to allow the caretaker relative to accept employment or remain employed, if the conditions of subsection (a) are met, and the caretaker relative is also a member of a household receiving AFDC.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.354

Qualified Provider

Payment will be made for child care that otherwise meets the requirements of this Section and meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by the Department of Children and Family Services at 89 Ill. Adm. Code 400, and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshall at 41 Ill. Adm. Code 100, and is provided in any of the following:

a) Child Care Center

1) A child care center licensed by the Department of Children and Family Services (DCFS) which regularly provides day care for less than twenty-four (24) hours per day:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.354

Qualified Provider (Cont'd)

- A) for more than eight (8) children in a family home, or
- B) for more than three (3) children in a facility other than a family home.

2) A child care center exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969 (Ill. Rev. Stat. 1987, ch. 23, par. 2212.09).

b) Licensed Child Care Home or Home Exempt from Licensing

1) A licensed day care home is any family home which provides day care for less than twenty-four (24) hours per day, and for more than three (3) children up to a maximum of eight (8) children. The maximum of 8 children includes the family's natural or adopted children and all persons under the age of twelve (12). A licensed day care home does not include a home which provides day care to only children from the same household. A day care home must be licensed by DCFS (Section 2.18 of the Child Care Act of 1969 (Ill. Rev. Stat. 1987, ch. 23, par. 2212.18)).

2) A home exempt from licensing is a home in which child care is provided to no more than three unrelated children under the age of twelve (12) years, including the children of the provider, are cared for at one time. This home is not subject to licensing by DCFS.

c) Licensed Group Child Care Home

A licensed group child care home where no more than twelve (12) unrelated children, including the children of the providers, under the age of twelve (12) are cared for. In a group day care home, two child care providers are required (Section 2.20 of the Child Care Act of 1969 (Ill. Rev. Stat. 1987, ch. 23, par. 2212.20)).

d) Relatives and Babysitters

1) Care provided by relatives in his or her home or in the child's home. Relatives living in the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.354

Qualified Provider (Cont'd)

same home as the child are eligible for payment with the exception of the child's mother or father or a person in the same assistance grant as the child.

2) Care provided by a non-relative in the child's home provided the non-relative is not in the same assistance grant as the child.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.356 Notification of Available Services

a) The Department will notify all applicants for and families receiving AFDC in writing and orally of programs and supportive services available to them for which they are eligible, and the rights, responsibilities and obligations of participants in the program.

b) The Department will respond to a request for child care within forty-five (45) days from the date the request is received in the local Public Aid Office.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.358 Participant Rights and Responsibilitiesa) Hearings and Conciliation

1) Persons receiving AFDC are entitled to hearings as provided at 89 Ill. Adm. Code 104: SUBPART A or conciliation procedures as provided in Section 112.77, as appropriate, on issues concerning the appropriateness of, denial of, prompt issuance of, or intended actions to discontinue, terminate, suspend or reduce ongoing assistance under this part. However, changes in the manner of payment for on-going child care assistance are not subject to timely notice requirements unless they result in a discontinuance, suspension, reduction or termination of benefits, or they force a change in child care arrangements.

2) Assistance under this part will not be continued pending a hearing.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.358 Participant Rights and Responsibilities
(Cont'd)

- b) Child care services received by a family must be reasonably related to the hours of training or employment.
- c) In cases where more than one type of child care is available, (e.g., center, home, etc.), the caretaker relative may choose the arrangement.
- d) An individual who is not exempt from Project Chance participation by virtue of Section 112.71 may refuse available and appropriate child care as determined by the Department if he/she can arrange other child care or can show that such refusal will not prevent or interfere with participation in approved education or training activities or employment.
- e) In the case of a family which was receiving AFDC benefits on October 13, 1988, based on application of the child care disregard at Section 112.143 or through the provision of special needs (see Section 112.308), if the family would be disadvantaged as a result of meeting the cost of child care through another method which does directly affect AFDC eligibility and payment (including child care needs), the family's AFDC eligibility and payment (including child care needs) will be determined as if the method of provision which was applicable on October 13, 1988, is still in effect.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.360 Child Care Overpayments and Recoveries

- a) A family or provider that receives a child care overpayment is responsible for reimbursing the Department for such overpayment.
- b) Overpayments may be recovered through a reduction in the amount of child care benefits payable to a family or provider. However, in recovering child care overpayments from a family receiving AFDC the Department will provide that the family retains, for any month, a reasonable amount of funds.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.360 Child Care Overpayments and Recoveries
(Cont'd)

- c) Recoupment of child care overpayments may be made from AFDC benefit payments only upon a voluntary request of the family receiving AFDC.
- d) Recovery of child care overpayments may be made only from child care benefits.
- e) Child care overpayments to individuals may be recovered from the family unit which was overpaid, from individuals who were members of the family when overpaid, or from families which include members of a previously overpaid family.
- f) In cases of families no longer receiving AFDC or families that refuse to pay, recovery will be made by appropriate action under state law against the income and resources of the overpaid individual or family.
- g) Underpayments and overpayments may be offset against each other in correcting incorrect payments.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.362

Additional Service to Secure or Maintain Child Care Arrangements

The Department will provide child care for an individual receiving AFDC who is waiting to enter an approved education or training program, Project Chance component or employment:

- a) for a period not to exceed two weeks; or
- b) for a period not to exceed one month where child care arrangements would otherwise be lost and the subsequent activity is scheduled to begin within that period.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.364

Rates of Payment for Child Care

Rates of payment for child care will be made in amounts not to

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Section 112.364 Rates of Payment for Child Care (Cont'd)

exceed the maximum rates per child as established by the DCFS (see 89 Ill. Adm. Code 356.5(g)).

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.366 Method of Providing Child Care

Child care may be provided through one of the following methods:

- a) arranging the child care through eligible providers by use of purchase of service contracts or vouchers;
- b) arranging with other agencies and community volunteer groups for non-reimbursed child care;
- c) using the child care disregard as provided in Section 112.143 (this is the only method available for employed persons); or
- d) adopting such other arrangements as the Department determines appropriate which facilitate service delivery and do not disadvantage the family receiving the service.

(Source: Added at 14 Ill. Reg. _____, effective _____)

SUBPART K: TRANSITIONAL CHILD CARE

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.400 Transitional Child Care Eligibility

Section 112.404 Duration of Eligibility for Transitional Child Care

- a) The Department will guarantee child care for each family with a child (as described in Section 112.402) whose eligibility for AFDC benefits has ceased due to increased hours of, or earning from, employment, or as a result of the loss of income disregards due to expiration of the time limits at Section 112.142(b).
 - b) The family must request child care benefits and provide information necessary for determining eligibility and fees.
 - c) The family must have ceased to be eligible for AFDC on or after October 1, 1989.
- (Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.402 Child Care Eligibility

- a) A family is eligible to receive Transitional Child Care benefits under this part to the extent such child care is necessary to permit a member of an AFDC family to accept or retain employment if the family otherwise meets the conditions of eligibility, and such child is:

- 1) under the age of thirteen (13);
- 2) physically or mentally incapable of caring for himself or herself, as verified by the Department based on a determination of a physician or licensed or certified psychologist; or
- 3) under court supervision.

- b) Eligibility is also provided to children who meet the criteria in subsection (a) above who would be a dependent child except for the receipt of benefits under Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or foster care under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.) may also be provided child care to allow the caretaker relative to accept employment or remain employed if the conditions of subsection (a) and Section 112.400 are otherwise met.

- a) Eligibility for transitional child care begins with the first month for which the family is ineligible for AFDC, as described at Section 112.400, and continues for a period of twelve (12) consecutive months.
- b) Families may establish eligibility for transitional child care in any month of the twelve (12) month eligibility period, and eligibility may be retroactive to the first month for which the family would have been eligible in accordance with a) above.
- c) If the caretaker relative loses a job with good cause, and finds another job, the family can qualify for the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.404

Duration of Eligibility for Transitional Child Care (Cont'd)

remaining portion of the twelve (12) month eligibility period.

- d) If the family re-establishes eligibility for AFDC during the twelve (12) month period, it could qualify for a new twelve (12) month eligibility period if it meets the other conditions of eligibility.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.406

Loss of Eligibility for Transitional Child Care

The family is not eligible for transitional child care under this Part for any remaining portion of the twelve (12) month period if the caretaker relative:

- a) terminates employment without good cause;
b) fails to cooperate with the Department in establishing payments and enforcing child support obligations as set forth at 89 Ill. Adm. Code 160.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.408

Qualified Child Care Providers

- a) Payment will be made for child care that otherwise meets the requirements of this Section and meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by DCFS at 89 Ill. Adm. Code 400, and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshall at 41 Ill. Adm. Code 100, and is provided by qualified child care providers in accordance with Section 112.354.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.410

Notification of Available Services

- a) The Department will notify all families, at the time

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.410 Notification of Available Services (Cont'd)

they become ineligible for AFDC, of their potential eligibility for transitional child care services under this Part, in writing and orally as appropriate.

- b) Notification will include information on steps necessary to establish eligibility for benefits and the families rights and responsibilities under the program.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.412

Participant Rights and Responsibilities

- a) Provision of benefits under this Part are subject to hearing provisions as provided at 89 Ill. Adm. Code 104: SUBPART A.

- b) Timely notice provisions do not apply to changes in the manner of payment, unless those changes result in the discontinuation, suspension, reduction, or termination of benefits, or force a change in child care arrangements.

- c) In cases where a family appeals a decision by the Department under this part, benefits will continue pending the hearing.

- d) Child care must be reasonably related to hours of employment.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.414

Child Care Overpayments and Recoveries

Child care overpayments and recoveries will be conducted pursuant to Section 112.360.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.416

Fees for Service for Transitional Child Care

- a) Each family that receives transitional child care service under this Part must contribute toward the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 112.416 Fees for Service for Transitional Child Care (Cont'd)

payment for such child care based on the family's ability to pay.

- b) Fees will be assessed in accordance with the sliding fee scale schedule promulgated by DCFS (see 89 Ill. Adm. Code 352).

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 112.418 Rates of Payment for Transitional Child Care

Rates of payment for transitional child care will be made in amounts not to exceed the maximum rates per child as established by the DCFS (see 89 Ill. Adm. Code 356.5(g)).

(Source: Added at 14 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

The Illinois Formulary for the Drug Product Selection Program

- 2) Code Citation: 77 Ill. Adm. Code 790

3) Section Numbers:

790.1200
790.1560
790.2097
790.2140
790.2603
790.2618
790.3054
790.3340
790.3420
790.3910
790.4720
790.5220
790.5312
790.5830
790.5837
790.6435
790.6875
790.8900
790.9048
790.9084
790.9320

Proposed Action:

Repealer
Amendment
Amendment
Repealer
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Repealer
Amendment
Amendment
Amendment
Amendment

4) Statutory Authority:

Implementing and authorized by Section 3.14 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 503.14) and Section 25 of the Pharmacy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 4145).

5) A Complete Description of the Subjects and Issues Involved:

The Department proposes to amend various sections of the Illinois Formulary for the Drug Product Selection Program. These rules are promulgated on the basis of changes in the Food and Drug Administration's recommendation of these drug entities for Drug Product Selection. These changes will be published in the Tenth Edition, Third Supplement of the Illinois Formulary. In accordance with the provisions of Public Act 85-451, these changes will also be published in the Illinois Register as emergency amendments, effective January 12, 1990.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes.
7) Does this Rulemaking Contain an Automatic Repeal Date? No.
8) Does this Rulemaking Contain Any Incorporations By Reference? No.
9) Are there any other Proposed Amendments Pending on this Part? Yes.

Section Numbers	Proposed Action	Ill. Reg. Citation
790.580	Amendment	13 Ill. Reg. 16910
790.740	Amendment	13 Ill. Reg. 16910
790.920	New Section	13 Ill. Reg. 16910
790.1140	Amendment	13 Ill. Reg. 16910
790.1686	Amendment	13 Ill. Reg. 16910
790.2097	Amendment	13 Ill. Reg. 16910
790.2902	New Section	13 Ill. Reg. 16910
790.2940	Amendment	13 Ill. Reg. 16910
790.2980	Amendment	13 Ill. Reg. 16910
790.3350	New Section	13 Ill. Reg. 16910
790.3440	Amendment	13 Ill. Reg. 16910
790.3620	Amendment	13 Ill. Reg. 16910
790.4396	Amendment	13 Ill. Reg. 16910
790.4667	New Section	13 Ill. Reg. 16910
790.4670	Amendment	13 Ill. Reg. 16910
790.4680	Amendment	13 Ill. Reg. 16910
790.4720	Amendment	13 Ill. Reg. 16910
790.4740	Amendment	13 Ill. Reg. 16910
790.5620	Amendment	13 Ill. Reg. 16910
790.5720	Amendment	13 Ill. Reg. 16910
790.5872	Amendment	13 Ill. Reg. 16910
790.6275	Amendment	13 Ill. Reg. 16910
790.6340	Amendment	13 Ill. Reg. 16910
790.6370	Amendment	13 Ill. Reg. 16910
790.6452	Amendment	13 Ill. Reg. 16910
790.6456	Amendment	13 Ill. Reg. 16910
790.7278	New Section	13 Ill. Reg. 16910
790.7280	Amendment	13 Ill. Reg. 16910
790.7340	Amendment	13 Ill. Reg. 16910
790.7400	Amendment	13 Ill. Reg. 16910
790.7500	Amendment	13 Ill. Reg. 16910
790.7828	Amendment	13 Ill. Reg. 16910
790.8420	Amendment	13 Ill. Reg. 16910
790.8940	Amendment	13 Ill. Reg. 16910
790.9048	New Section	13 Ill. Reg. 16910
790.9050	New Section	13 Ill. Reg. 16910
790.9084	Amendment	13 Ill. Reg. 16910

10) Statement of Statewide Policy Objectives:

This proposed rulemaking neither creates nor expands a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

January 12, 1990

B) Type of Small Businesses Affected:

Outpatient pharmacies

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

As has always been the case with any instance of drug product selection, these proposed amendments would require appropriate documentation of generically interchanged prescriptions on the pharmacy prescription record.

ILLINOIS REGISTER

1223
90

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

D) Types of Professional Skills Necessary for Compliance:

Participants in the Drug Product Selection Program would need professional skills such as:

- an understanding of Illinois drug statutes, including the Illinois Food, Drug and Cosmetic Act and the Pharmacy Practice Act, and;
- an in-depth understanding of the issues concerning the bioequivalency of drug products, and;
- a license to practice pharmacy in the State of Illinois.

The Proposed Amendments are identical to the text of the Emergency Amendments which appear on page 1508 of this issue of the Illinois Register.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Pari-Mutuels
- 2) Code Citation: 11 Ill. Adm. Code 405
- 3) Section Numbers: Proposed Action:
405.120 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1985, ch. 8,
pars. 9(b), 15
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes a provision that there should be no minimum ticket prices in promotional events.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No
If "yes", please specify the date: _____
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending in this Part? Yes.
- 10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures as a result of this rulemaking.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit written comments concerning this rulemaking. All comments must be submitted in writing and should be addressed to:

Robert M. Podlasek
Board Counsel
State of Illinois Center
Illinois Racing Board
Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

The Illinois Racing Board will consider all written comment it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
December 20, 1989
- B) Types of small businesses affected: No small business are affected.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the Proposed Amendments begins on the next page:

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 405
PARI-MUTUELS

Section	
405.10	State Director of Mutuels
405.20	Duties of the State Director of Mutuels
405.30	Mutuel Department Operations
405.40	Mutuel Employees
405.50	Totalizator (Repealed)
405.55	No Wagering After Start
405.60	Odds Board Control (Repealed)
405.70	Odds Board Update (Repealed)
405.80	Records of All Calculations
405.90	Numbers of Pari-Mutuel Races
405.100	Ticket Windows
405.110	Sale of Pari-Mutuel Tickets
405.120	Minimum Ticket Prices
405.130	Minimum Pay-Off-Minus Pools-Surcharges
405.140	Payments
405.150	Report Scratches
405.160	Number of Pools
405.170	Multiple of Wagering Pools
405.180	Failure of Starting Gate
405.190	Horses Scratched
405.200	"Official" Sign Final
405.210	Minors Barred
405.220	Lost Tickets
405.230	Mutilated or Altered Tickets
405.240	Information Window

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1983, ch. 8, par 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 38, effective September 8, 1980; codified at 5 Ill. Reg. 10886; emergency amendment at 8 Ill. Reg. 22142, effective October 31, 1984, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 2528, effective February 8, 1985, for a maximum of 150 days; amended at 11 Ill. Reg. 12375, effective July 18, 1987; amended at 12 Ill. Reg. 206, effective December 23, 1987; amended at 14 Ill. Reg. ____, effective ____.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 405.120 Minimum Ticket Prices

No pari-mutuel ticket shall be sold for less than \$2. No pari-mutuel ticket combining win and place, win and show, or place and show shall be sold for less than \$4. No pari-mutuel ticket combining win, place and show shall be sold for less than \$6. This paragraph shall not be applicable to special promotional events.

(Source: Amended at 14 Ill. Reg. ____, effective ____)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) Section Number: 1600.40 Proposed Action: Amending
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 108 1/2, pars. 15-101 et seq.
- 5) A Complete Description of the Subjects and Issues Involved:

An employee may purchase service credit for a leave at less than 50% pay. Credit is contingent upon the employee's return to employment for a period equal to the leave or eight months, whichever is less. Currently, the employee must pay for the period of the leave by either making a lump sum payment at the beginning of the leave, or paying for the leave in monthly installments during the leave period.

This amendment will allow the employee to (a) make a lump sum payment at the beginning of the leave, (b) pay for the leave in monthly installments during the period of leave, or (c) pay for the leave at anytime prior to the date of death or retirement, whichever date is earlier. If the employee elects option (c), interest will be charged at the effective rate from the end of the academic year during which the employee was on leave to the date payment is received by the State Universities Retirement System. No payment may be made for service covering leaves of absence after the date the employee dies, or begins receiving a retirement annuity or disability retirement allowance.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference?
No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: N/A

STATE UNIVERSITIES RETIREMENT SYSTEM

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Donald E. Hoffmeister
Executive Director
State Universities Retirement System
50 Gerty Drive
Champaign, IL 61820
Telephone: 217/333-3860

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

- 12) Initial Regulatory Flexibility Analysis: The proposed amendment will not affect small business.

The full text of the Proposed Amendment begins on the next page:

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600
UNIVERSITIES RETIREMENT

Section	Definitions
1600.10	Dependency of Beneficiaries
1600.20	Crediting Interest on Employee Contributions and Other Reserves
1600.30	Election to Make Contributions Covering During Leave of Absence at Less Than 50% Without Pay
1600.40	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.50	Procedures to be followed in Medical Evaluation of Disability Claims
1600.70	Rules of Practice-Nature and Requirements of Formal Hearings
1600.80	Chart Outlining Hearing Procedures
APPENDIX A	

AUTHORITY: Implementing and authorized by Article 15 of the Pension Code (Ill. Rev. Stat. 1987, ch. 108 1/2, par. 15-101 et seq.)

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p. 53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at ___ Ill. Reg. ___, effective _____.

Section 1600.40 Election to Make Contributions Covering ~~During~~ Leave of Absence at Less Than 50% ~~Without~~ Pay

- a) ~~During a period of leave of absence without pay, except military leave, a participant may elect to make contributions to the State Universities Retirement System subject to paragraph (b), (c) and (d) of this Section.~~
- b) ~~The election must be filed within 60 days after the beginning date of the leave. An election filed after the expiration of this period shall not be accepted unless the Board finds that good cause exists for the delayed filing.~~
- c) ~~Payment for contributions as required by the Illinois Pension Code, (Ill. Rev. Stat. 1981, ch. 108 1/2, par. 15-101 et seq.), shall be due on the last day of the month for which the contributions are payable. A grace period of sixty days shall be granted for the payment of the contributions. Contributions received after the expiration of the grace period shall be accepted only if the Board finds that there is good cause for the delay in payment, and the participant pays interest on the~~

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENT

~~contributions at the prescribed rate covering the period after the expiration of the grace period. Examples of good cause are illness of the participant, military service or inability to contact the participant.~~

- d) ~~If a participant fails to comply with the conditions set forth in paragraphs (a), (b) and (c) of this Section, he shall not be entitled to service or earnings credit covering the leave of absence without pay.~~

- a) Under the provisions of the Illinois Pension Code (Ill. Rev. Stat. 1987, ch. 108 1/2, par. 15-101 et seq.), a participant may elect to pay contributions covering leaves of absence at less than 50% pay, except military leave and periods of disability leave in excess of 60 days. If the participant pays the contributions required by the Illinois Pension Code in accordance with rules prescribed by the board upon the participant's basic compensation on the date the leave begins. In order to pay contributions covering such leaves of absence, the participant must (1) return to employment covered by the State Universities Retirement System at the expiration of the leave, or within 30 days after the termination of a disability which occurs during the leave, and continues this employment for at least 8 months or a period equal to the period of the leave, whichever is less, or (2) be precluded from meeting the foregoing conditions because of disability or death.

- b) If the participant meets the conditions set forth in paragraph (a) of this Section, he or she may purchase service credit covering such leaves of absence by paying contributions required by the Illinois Pension Code plus interest thereon at the effective rate as determined by the board from the end of the academic year in which the contribution is due to the date the payment is received by the State Universities Retirement System.

- c) The participant may purchase during the academic year in which employment terminates or in which the retirement annuity begins, not less than 1/4 year of additional service credit for such leaves of absence. If the participant elects to purchase such credit prior to the academic year in which employment terminates, at least one year of additional service credit shall be purchased, unless the total service credit which may be purchased for the leave of absence is less than one year.

- d) No payment may be made for service covering leaves of absence after the date the participant dies or begins receiving a retirement annuity or disability retirement allowance.

- e) If a participant purchases service credit covering a leave of absence but fails to meet the conditions set forth in the preceding paragraphs of this Section, the payment made shall be refunded without interest.

- f) Not more than 3 years of service credit for leaves of absence in any period of 10 years may be purchased.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF PROPOSED AMENDMENT

- g) ~~This rule is not applicable to a participant who is on special leave of absence for service with a teacher organization.~~

(Source: Amended at ____ Ill. Reg. ____, effective ____)

NOTICE OF ADOPTED AMENDMENTS

constitute a threat to their safety and welfare. The resulting additional costs to chore-housekeeping vendors to meet homemaker requirements of increased staffing and training would be prohibitive.

These adopted amendments to Section 240.220 once again allow chore-housekeeping direct service staff to assist with personal care and to eliminate the requirement that they meet the homemaker training and the homemaker supervisor-to-staff ratio requirement.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Melvin E. Koch
Policy and Rules Analyst
Illinois Department on Aging
Address: 421 East Capitol Avenue
Springfield, IL 62701
Telephone: (217) 785-3356

The full text of the Adopted Amendment(s) begins on the next page:

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 111. Adm. Code 240
- 3) Section Number: 240.220
Adopted Action: Amendment
- 4) Statutory Authority: 111. Rev. Stat., Ch. 23 Sections 6104.01 (4), (9), (11) & (12); 6104.02; 6104.03 and 6105.02
- 5) Effective Date of Amendment(s): January 12, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 5, 1990
- 9) Notice of Proposal Published in Illinois Register:
August 18, 1999, 13 111. Reg. 13353
(issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) amendment(s)?
NO
- 11) Difference(s) between proposal and final version: None
- 12) Have all changed agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? YES
- 13) Will this amendment replace an emergency amendment currently in effect?
Yes
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s):

Amendments to Section 240.220, Chore-Housekeeping Service, which were effective July 1, 1989, stated that chore-housekeepers are able to assist clients with personal care tasks only when those workers meet the homemaker training and the homemaker supervisor-to-worker ratio requirement, in essence prohibiting the majority of chore-housekeeping workers from assisting clients with personal care. Assisting with these tasks has been a component of chore-housekeeping service since the inception of the Community Care Program. If the Department were required to retain such a requirement there would be a drastic disruption in service delivery to chore-housekeeping clients which could

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 240
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

Section
240.100 Community Care Program
240.110 Department Prerogative
240.120 Services Provided
240.130 Maintenance of Effort
240.140 Program Limitations
240.150 Completed Applications Prior to August 1, 1982 (Repealed)
240.160 Definitions

SUBPART B: SERVICE DEFINITIONS

Section
240.210 Homemaker Service
240.220 Chore-Housekeeping Service
240.230 Adult Day Care Service
240.240 Information and Referral
240.250 Demonstration/Research Projects
240.260 Case Management Service
240.270 Alternative Provider
240.280 Individual/Chore-Housekeeping Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section
240.300 Applicant/Client Rights and Responsibilities
240.310 Right to Apply
240.320 Nondiscrimination
240.330 Freedom of Choice
240.340 Confidentiality/Safeguarding of Case Information
240.350 Applicant/Client/Authorized Representative Cooperation
240.360 Reporting Changes
240.370 Voluntary Repayment

SUBPART D: APPEALS

Section
240.400 Appeals and Fair Hearings
240.405 Representation
240.410 When the Appeal May Be Filed

240.415 What May Be Appealed
240.420 Group Appeals
240.425 Informal Review
240.430 Notice of Findings
240.435 Withdrawing an Appeal
240.440 Examining Department Records
240.445 Hearing Officer
240.450 The Hearing
240.455 Continuance of the Hearing
240.460 Postponement
240.465 Dismissal Due to Non-Appeal
240.470 Rescheduling the Appeal Hearing
240.475 Recommendations of Hearing Officer
240.480 The Appeal Decision
240.485 Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

Section
240.510 Application for Community Care Program
240.520 Who May Make Application
240.530 Date of Application
240.540 Statement to be Included on Application

SUBPART F: ELIGIBILITY

Section
240.600 Eligibility Requirements
240.610 Establishing Eligibility
240.620 Home Visit
240.630 Determination of Eligibility
240.640 Eligibility Decision
240.650 Continuous Eligibility
240.655 Frequency of Redeterminations
240.660 Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section
240.710 Age
240.715 Need for Long Term Care
240.720 Clients Prior to July 6, 1982
240.725 Clients After July 6, 1982
240.730 Plan of Care
240.735 Supplemental Information
240.740 Assessment of Need
240.750 Citizenship
240.755 Residence
240.760 Furnishing of Social Security Number

SUBPART H: FINANCIAL REQUIREMENTS

SUBPART I: DISPOSITION OF DETERMINATION

SUBPART J: SPECIAL SERVICES

Section 240.800 240.810 240.815 240.820 240.825 240.830 240.835 240.840 240.845 240.850 240.855 240.860 240.865 240.870 240.875	Financial Factors Assets Exempt Assets Asset Transfers Income Unearned Income Exemptions Earned Income Potential Retirement, Disability and Other Benefits Family Monthly Average Income Applicant/Client Expense for Care Change in Income Application for Medical Assistance (Medicaid) Determination of Applicant/Client Monthly Expense for Care Client Responsibility	Section 240.905 240.910 240.915 240.920 240.925 240.930 240.935 240.940 240.945 240.950 240.955	Prohibition of Institutionalized Individuals From Receiving Community Care Program Services Written Notification Service Provision Reasons for Denial Frequency of Redeterminations (Renumbered) Suspension of Services Discontinuance of Services to Clients Penalty Payments Notification Reasons for Termination Reasons for Reduction or Change
Section 240.1010 240.1020 240.1040 240.1050	Nursing Home Prescreening Interim Services Intense Service Provision Temporary Service Increase	Section 240.1110 240.1120 240.1130 240.1140 240.1150 240.1160 240.1170 240.1180	Individual Transfer Request - Vendor to Vendor - No Change in Service Individual Transfer Request - Vendor to Vendor - With Change in Service Individual Transfers - Case Coordination Unit to Case Coordination Unit Transfer of Pending Applications Interagency Transfers Temporary Transfers - Case Coordination Unit to Case Coordination Unit Caseload Transfer - Vendor to Vendor Caseload Transfer - Case Coordination Unit to Case Coordination Unit
Section 240.1210	Administrative Service Contract	Section 240.1310 240.1320 240.1330 240.1396 240.1397 240.1398 240.1399	Standard Contractual Requirements for Case Coordination Units and Vendors Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts General Vendor and CCU Responsibilities (Repealed) Payment for Services (Repealed) Purchases and Contracts (Repealed) Safeguarding Case Information (Repealed) Suspension/Termination of a Vendor or Case Coordination Unit (CCU)
Section 240.1410 240.1420	Case Coordination Units (CCU's) Case Coordination Unit (CCU) Responsibilities	Section 240.1510 240.1520 240.1530 240.1535 240.1540	Vendor Administrative Minimum Standards Vendor Responsibilities General Homemaker Staffing Requirements Homemaker Staff Positions, Qualifications and Responsibilities General Chore-Housekeeping Staffing Requirements

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

- 240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities
 240.1550 Standard Requirements for Adult Day Care Vendors
 240.1555 General Adult Day Care Staffing Requirements
 240.1560 Adult Day Care Staff Positions, Qualifications and Responsibilities
 240.1565 Adult Day Care Satellite Sites
 240.1570 Adult Day Care Service Availability Expansion
 240.1575 Adult Day Care Site Relocation
 240.1580 Standards for Alternative Providers
 240.1590 Standard Requirements for Individual Chore-Housekeeping Provider Services

SUBPART P: VENDOR PROCUREMENT

- Section
 240.1600 Vendor Procurement
 240.1605 Procuring Vendor Services
 240.1610 Procurement Cycle
 240.1620 Issuance of Vendor Request for Proposal
 240.1625 Content of Vendor Request for Proposal
 240.1630 Criteria for Number of Chore-Housekeeping and Homemaker Vendor Contracts Awarded
 240.1635 Evaluation of Vendor Proposals
 240.1640 Notification of Vendor Awards
 240.1645 Protest or Objection to Vendor Request for Proposal Award Determination
 240.1650 Failure to Maintain Vendor Compliance to Contract
 240.1655 Method of Identification of Type I, II and III Vendor Violations
 240.1660 Vendor Compliance During Contract Period
 240.1665 Vendor Sanctions for Failure to Comply with Community Care Program Contract

SUBPART R: ADVISORY COMMITTEES

- Section
 240.1800 Policy Advisory Committee
 240.1850 Technical Rate Review Advisory Committee

SUBPART S: VENDOR RATES

- Section
 240.1910 Establishment of Fixed Unit Rates
 240.1920 Contract Specific Variations
 240.1930 Fixed Unit Rates of Reimbursement for Chore-Housekeeping and Homemaker Services

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

- 240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation
 240.1950 Adult Day Care Fixed Unit Rates

SUBPART T: FINANCIAL REPORTING

- Section
 240.2020 Financial Reporting of Chore-Housekeeping and Homemaker Services
 240.2030 Unallowable Costs for Chore-Housekeeping and Homemaker Services
 240.2040 Minimum Direct Service Worker Costs for Chore-Housekeeping and Homemaker Services
 240.2050 Cost Categories for Chore-Housekeeping and Homemaker Services

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging (Ill. Rev. Stat. 1987, ch. 23, pars. 6104.02 and 6104.01(1)).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979 for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990.

NOTE: Bold faced type denotes statutory language.

SUBPART B: SERVICE DEFINITIONS

Section 240.220 Chore-Housekeeping Service

Chore-housekeeping service is defined as performance of household tasks and assistance with personal care under the direct supervision of the client, family member, authorized representative, or other responsible and capable person, in accordance with the authorized plan of care.

DEPARTMENT ON AGING

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

a) Service Components

Specific components of chore-housekeeping service shall include the following:

- 1) Performing routine housekeeping tasks such as making and changing beds, dusting, washing dishes, vacuuming, cleaning and waxing floors, keeping the kitchen and bathroom clean, and laundering the client's linens and clothing; meal preparation; and home maintenance and repairs.
- 2) Performance of or assistance with essential shopping/errands which may include handling the client's money. Proper accounting to the client of money handled and provision of receipts are required. These tasks shall be performed as specifically required by the plan of care and shall be monitored by the chore-housekeeping supervisor.
- 3) Under specific direction of the client, family member, authorized representative or other responsible and capable person, assisting with self-administered medication, limited to: reminding the client to take his/her medications, reading instructions for utilization, uncapping medication containers, providing the proper liquid and utensil with which to take medications.

- 4) Escort to medical facilities, errands, shopping and individual business as specified in the plan of care.

- 5) Observing client's functioning and reporting to the supervisor;

- 6) Under specific direction of the client, family member, or authorized representative, assisting with personal care tasks (e.g., shaving; hair shampooing and combing; assisting with sponge bath or shower bath; assisting with tub bath which is limited to preparing and monitoring only when the client is able to enter and exit the tub by him/herself; dressing; brushing and cleaning teeth or dentures or and in preparation of supplies theretofore.) Assisting with the above services is only possible when the chore worker meets the homemaker requirements (e.g., training and supervisor to worker ratio): The service components are is considered appropriate only when

provided in conjunction with one or more of service components listed in subsections (1) through (3).

b)

Chore-housekeeping service may include transportation to medical facilities, for essential errands/shopping or for essential client business with the client as specified in the plan of care.

c)

Unit of Service

- 1) One unit of chore-housekeeping service is one hour of direct service provided to the client in the client's home, or while providing transportation/escort to medical facilities, or running errands and/or shopping in behalf of the client.
- 2) For services which the vendor was unable to provide due to either the client's absence without prior vendor notification or refusal to admit the worker into the home to provide service (see Section 240.350), one (1) unit of documented chore-housekeeping service per occurrence will be reimbursed to the chore-housekeeping vendor to a maximum of two (2) units per client per State fiscal year.

(Source: Amended at 14 Ill. Reg. 1233, effective Jan. 12, 1990)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) Section Number: 25.90 Adopted Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 122, par. 14C-8
- 5) Effective Date of Amendments: January 8, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 3, 1990
- 9) Notice of Proposal Published in Illinois Register:

June 9, 1989, 13 Ill. Reg. 8756

- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version:

The State Board has agreed:

1. To modify Section 25.90(a)(2)(C) to omit ", but not limited to".
2. To modify Section 25.90(a)(2)(C)(i)-(iii) to state:
 - i) the applicant's length of study at the foreign institution (which shall be equivalent to four years of postsecondary study after the age of eighteen);
 - ii) the number of credit hours or similar units of instruction which the applicant has successfully completed (which shall be the equivalent of 120 semester hours);
 - iii) the content of the applicant's courses and the distribution of courses among the various disciplines constituting a bachelor's degree program in the United States (which shall include the equivalent of a 32-semester-hour major field of study);

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

The present rulemaking affects only Section 25.90 of the rules for Certification. New language has been added to reflect the addition of a new group of persons who will be considered qualified to teach in transitional bilingual education pursuant to P.A. 85-1199. The law added holders of degrees from foreign higher education institutions determined by the State Teacher Certification Board to be equivalent to a bachelor's degree in this country. The new language also incorporates the standards the Certification Board will use in determining such equivalency.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Susan K. Bentz
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-3774

The full text of the Adopted Amendments begins on the next page:

STATE BOARD OF EDUCATION

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF
ADMINISTRATIVE AND SUPERVISORY POSITIONS

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section

25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section

25.20 State Elementary School Certificate

25.30 State High School Certificate

25.40 State Special Certificate

25.43 Standards for Certification of Special Education Teachers

25.45 Standards for the Standard Special Certificate--Speech and Language Impaired

25.50 General Certificate

25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects

25.70 State Provisional Vocational Certificate

25.80 Early Childhood Certificates

25.90 Transitional Bilingual Certificate and Examination

25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate

25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE
TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section

25.110 System of Approval: Levels of Approval

25.120 Standards and Criteria for Institutional Recognition and Program Approval

25.130 Procedures for Initial Recognition as a Teacher Education Institution

25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia

25.150 The Periodic Review Process

SUBPART D: SCHOOL SERVICE PERSONNEL

Section

25.210 Requirements for the Certification of School Social Workers

25.220 Requirements for the Certification of Guidance Personnel

25.230 Requirements for the Certification of School Psychologists

25.240 Standard for School Nurse Endorsement

Section

25.510 Teacher Aides

25.520 Other Noncertificated Personnel

25.530 Specialized Instruction by Noncertificated Personnel

25.540 Approved Teacher Aide Programs

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND
OTHER NONCERTIFIED PERSONNEL

Section

25.310 Definitions (Repealed)

25.311 Administrative Certificate

25.320 Application for Approval of Program (Repealed)

25.322 General Supervisory Endorsement

25.330 Standards and Guide for Approved Programs (Repealed)

25.333 General Administrative Endorsement

25.344 Chief School Business Official Endorsement

25.355 Superintendent

SUBPART F: GENERAL PROVISIONS

Section

25.405 Military Service

25.410 Revoked Certificates

25.415 Credit in Junior College

25.420 Psychology Accepted as Professional Education

25.425 Individuals Prepared in Out-of-State Institutions

25.427 Three-Year Limitation

25.430 Institutional Approval

25.435 School Service Personnel Certificate--Waiver of Evaluations

25.440 Master of Arts NCATE

25.445 College Credit for High School Mathematics and Language Courses

25.450 Lapsed Certificates

25.455 Substitute Certificates

25.460 Provisional Special and Provisional High School Certificates

25.465 Credit

25.470 Meaning of Experience on Administrative Certificates

25.475 Certificates and Permits No Longer Issued

25.480 Credit for Certification Purposes

25.485 Provisional Recognition of Institutions

25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime

25.493 Part-Time Teaching Interns

25.495 Approval of Out-of-State Institutions and Programs

25.497 Supervisory Endorsements

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: CLINICAL EXPERIENCES

Section

25.610 Definitions
25.620 Student Teaching
25.630 Pay for Student Teaching

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section

25.705 Purpose
25.710 Definitions
25.715 Test Validation
25.720 Applicability of Testing Requirement
25.725 Applicability of Scores
25.730 Registration
25.735 Frequency and Location of Examination
25.740 Accommodation of Persons with Special Needs
25.745 Special Test Dates
25.750 Conditions of Testing
25.755 Voiding of Scores
25.760 Passing Score
25.765 Individual Test Score Reports
25.770 Rescoring
25.775 Institution Test Score Reports
25.780 Fees

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of The School Code (111. Rev. Stat. 1987 and 1988 Supp., ch. 122, pars. 21-1 et seq., 14C-8, and 2-3.6).

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 111. Reg. 28, p. 336, effective July 16, 1982; amended at 7 111. Reg. 5429, effective April 11, 1983; codified at 8 111. Reg. 1441; amended at 9 111. Reg. 1046, effective January 16, 1985; amended at 10 111. Reg. 12578, effective July 8, 1986; amended at 10 111. Reg. 15044, effective August 28, 1986; amended at 11 111. Reg. 12670, effective July 15, 1987; amended at 12 111. Reg. 3709, effective February 1, 1988; amended at 12 111. Reg. 16022, effective September 23, 1988; amended at 14 111. Reg. 1243, effective January 8, 1990.

NOTE: Capitalization denotes statutory language.

Section 25.90 Transitional Bilingual Certificate and Examination

- a) Requirements for the Transitional Bilingual Certificate, issued pursuant to Section 14C-8 of The School Code, shall be as follows:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) General Requirements. The applicant shall meet the following general requirements:

- A) Be in good health.
- B) Be of sound moral character.
- C) Be legally present in the United States and possess legal authorization for employment.

- D) Comply with certification application procedures.

- 2) Requirements of Prior Education or Certification. The applicant shall:

- A) Possess a current and valid certificate issued by the State of Illinois or by the Chicago Board of Examiners, or
- B) Have possessed within five years prior to the date of application a valid teaching certificate or comparable legal authorization issued by a foreign country or by a state or possession or territory of the United States, or

- C) HOLD A DEGREE FROM AN INSTITUTION OF HIGHER LEARNING IN A FOREIGN COUNTRY WHICH THE CERTIFICATION BOARD DETERMINES TO BE THE EQUIVALENT OF A BACHELOR'S DEGREE FROM A RECOGNIZED INSTITUTION OF HIGHER LEARNING IN THE UNITED STATES (Section 14C-8 of The School Code; 111. Rev. Stat. 1988 Supp., ch. 122, par. 14C-8). The applicant must submit a certified transcript from the foreign institution. The Certification Board will determine equivalency by comparing the applicant's course of study to that required for a bachelor's degree from a recognized institution of higher learning in the United States on factors including:
 - i) the applicant's length of study at the foreign institution (which shall be equivalent to four years of postsecondary study after the age of eighteen);
 - ii) the number of credit hours or similar units of instruction which the applicant has successfully completed (which shall be the equivalent of 120 semester hours);
 - iii) the content of the applicant's courses and the distribution of courses among the various disciplines constituting a bachelor's degree program in the United States (which shall include the equivalent of a 32-semester-hour major field of study);

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- iv) the applicant's grades or similar evidence of successful academic performance;
- v) the foreign institution's accreditation status, if any.

3) Language Requirements

- A) The applicant must demonstrate adequate speaking and reading ability in a non-English language in which transitional bilingual education is offered in Illinois. This requirement may be fulfilled in one of the following ways:

i) Applicants who have been employed in an Illinois bilingual program for at least one year prior to the date of application will meet this requirement when the Bilingual Education Section of the State Board of Education certifies that the applicant meets the following criteria: The applicant is able to use the non-English language fluently and accurately on all levels normally pertinent to professional needs; is able to understand and participate in a conversation, within range of the applicant's experience, with a high degree of fluency and precision of vocabulary; is able to respond appropriately, even in unfamiliar situations, with infrequent errors of pronunciation and grammar; is able to handle informal interpreting from and into the non-English language.

ii) The applicant presents evidence of having graduated from a teacher preparation institution or an institution of higher education in which the medium of instruction was in a non-English language in which transitional bilingual education is offered in Illinois and for which certification is sought.

iii) The applicant, by means of an approved examination administered by an Illinois institution of higher education recognized for teacher education, meets the following standard of facility in the non-English language in which transitional bilingual education is offered in Illinois: The applicant is able to use the non-English language fluently and accurately on all levels normally pertinent to professional needs; is able to understand and participate in a conversation, within the range of the applicant's

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

experience, with a high degree of fluency and precision of vocabulary; is able to respond appropriately, even in unfamiliar situations, with infrequent errors of pronunciation and grammar; is able to handle informal interpreting from and into the non-English language.

- B) The applicant must demonstrate adequate communicative skills in English. This requirement may be fulfilled in one of the following ways:

i) Graduated from an institution of higher education in which the medium of instruction was English.

ii) Has been employed for one year or more in an Illinois bilingual program and the building principal or appropriate supervisor attests that the applicant possesses communicative skills in English sufficient to complete assigned duties.

iii) The applicant meets, by means of an approved examination administered by an Illinois institution of higher education recognized for teacher education, the following standard of facility in English:

The applicant is able to satisfy routine social demands and work requirements; is able to handle with confidence most social situations including introductions and casual conversation about current events, work, family, and autobiographical information; is able to comprehend most conversations on non-technical subjects (i.e., topics which require no specialized knowledge) and has a speaking vocabulary sufficient for self-expression; can usually handle elementary constructions accurately. The applicant's performance is such that if errors are made, they do not render speech unintelligible.

4) Appeals Procedures

All applicants found ineligible for certification because of failure to meet the language requirements set forth under (3) above shall have an opportunity to appeal the finding of ineligibility.

- A) An applicant found ineligible for certification because of failure to meet the language requirements may appeal by notifying the Secretary of the State Teacher Certification Board in writing.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- B) The Secretary of the State Certification Board shall, in consultation with the Manager of the Bilingual Education Section, within 15 days of receipt of appeal, establish a panel of at least two competent persons to hear the appeal. A date for a hearing shall be mutually agreed upon at which time the individual appealing may present the appeal and respond to inquiries from the panel. The panel shall review the record and present its findings and recommendations within five days of the date of the hearing to the Secretary of the State Teacher Certification Board.
- C) Issuance of a certificate granted as a result of an appeal shall be based on the applicable criteria and standards set forth elsewhere in this Part.
- b) Requirements for approving transitional bilingual examinations administered by Illinois institutions of higher education
- 1) Eligibility: The institution must be recognized for teacher education in Illinois; must certify that the examinations will be administered at no expense to the applicant; must certify that the examinations will be administered without discrimination based on national origin, sex, ethnic characteristics or any other personal characteristics or attributes unrelated to linguistic performance. Institutions may propose the utilization of non-institutional resources, provided a legally binding agreement clearly showing institutional control over the procedures and content of the examination is presented. Institutional personnel responsible for the administration of the examinations shall participate in inservice workshops offered by the State Board of Education's Bilingual Education Section.
- 2) The chief educational administrator of the institution shall provide written notification to the Secretary of the State Teacher Certification Board of the institution's intention to be approved as an examination center in one or more languages.
- 3) Approval will be granted by the Secretary when the Manager of the Teacher Education Program Approval Section and the Manager of the Bilingual Education Section both certify in writing that the proposed procedures and content of the examination meet the following criteria:
- A) The proposed examination enables determination of the applicant's proficiency at the following levels:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- i) English
- The applicant is able to satisfy routine social demands and work requirements; is able to handle with confidence most social situations including introductions and casual conversations about current events, work, family, and autobiographical information; is able to comprehend most conversations on non-technical subjects (i.e., topics which require no specialized knowledge) and has a speaking vocabulary sufficient for self-expression; can usually handle elementary constructions accurately. The applicant's performance is such that if errors are made, they do not render speech unintelligible.
- ii) Non-English language in which transitional bilingual education is offered in Illinois.
- The applicant is able to use the non-English language fluently and accurately on all levels normally pertinent to professional needs, is able to understand and participate in any conversation, within the range of the applicant's experience, with a high degree of fluency and precision of vocabulary; is able to respond appropriately, even in unfamiliar situations, with infrequent errors of pronunciation and grammar; is able to handle informal interpreting from and into the non-English language.
- B) The examination shall test reading ability through an instrument comparable to those prepared by the Modern Language Association, and test oral facility by means of an examination similar to that employed in the Foreign Service Institute examination.
- C) The proposed examination procedure meets commonly accepted professional standards for assessing and using examinations and is equivalent in rigor to other approved examinations.
- D) The examination is uniformly administered to candidates with native and acquired language skills.
- E) The institution of higher education recognized for teacher education purposes accepts responsibility for implementing and supervising the examination procedures.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 4) The Conduct of the Examination shall meet the following criteria:
- A) Each institution must designate a test administrator for each language in which testing services are offered.
 - B) Each institution must establish criteria for the selection of the test administrator and other persons who will make judgments during the examination procedures.
 - C) Each institution must implement conditions to insure test reliability.
 - D) Each institution must establish procedures for maintaining security of testing materials and results.
 - E) Each institution must maintain a system of periodic internal review of testing procedures and maintain records demonstrating compliance with approved procedures.
- 5) Results of Examination shall be documented as follows:
- A) The institution shall forward the results of examinations, within ten days, only to the State Board of Education's Manager of Certification and to the applicant.
 - B) The institution shall not permit the use of the results of the examinations for any other purposes unless requested in writing by the applicant.
 - C) The institution shall maintain copies of written examinations, audio or video tapes of oral interviews, and signed records of the evaluator's determination or shall maintain full documentation of unique testing processes. Such copies shall be retained for a minimum of three years.
 - 6) Applicants who do not pass their respective language examinations may reapply after a period of three months from the date of the examination.

(Source: Amended at 14 Ill. Reg. 1243, effective January 8, 1990)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Learning Assessment and School Improvement Plans
- 2) Code Citation: 23 Ill. Adm. Code 210
- | | |
|---------------------------|------------------------|
| 3) <u>Section Number:</u> | <u>Adopted Action:</u> |
| 210.10 | Amendment |
| 210.100 | Amendment |
| 210.110 | Amendment |
| 210.120 | Amendment |
| 210.130 | Amendment |
| 210.140 | Amendment |
| 210.150 | Amendment |
| 210.210 | Amendment |
| 210.220 | Amendment |
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 122, pars. 2-3.63, 2-3.64, and 27-1
- 5) Effective Date of Amendments: January 8, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 7) Does this amendment contain incorporations by reference? The rules do not contain an incorporation under Section 6.02(b).
- 8) Date Filed in Agency's Principal Office: January 3, 1990
- 9) Notice of Proposal Published in Illinois Register:
June 9, 1989, 13 Ill. Reg. 8766
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? Yes
If answer is "yes," please complete the following:
- A) Statement of Objection: December 1, 1989, 13 Ill. Reg. 18943
 - B) Agency Response: 1/19/90, 14 Ill. Reg. 1534
 - C) Date Agency Response Submitted for Approval to JCAR: December 5, 1989

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

11) Difference(s) between proposal and final version:

The State Board agreed to make the following changes in the rules:

- 1) To add ", which shall also govern the monitoring of all requirements set forth in this Part" at the end of Sections 210.150(c) and 210.220(c).
- 2) To add "such as the results of statistical analysis of item bias" after "empirical data" in Section 210.10(g)(2).
- 3) To add "or editions of" after "amendments to" to Section 210.100(b)(3).
- 4) To delete "are adequate to" in Section 210.100(b)(4).
- 5) To show the deletion of the words "final submission" in Section 210.150(c) as follows: "~~final-submission~~".
- 6) To add a period and delete the space between "I" and "Subpart" in Section 210.220(c).
- 7) To delete the reference to November 15 in Section 210.220(d) and to insert the cross-reference to Section 210.210.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this amendment replace an emergency amendment currently in effect?
No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Amendments:

Changes have been made throughout Subpart A, which serves as an introduction to this entire Part, to reflect the deletion of the requirement that plan documents be submitted to the State Board for approval. New language has also been added to Section 210.10 to set forth the requirement that assurances be sent to the Board with respect to all scheduled plans and any amendments. The specific assurances are also set forth in this Section now.

Subpart B, Learning Assessment Plan, contains additional changes consistent with this approach; approval by the local board of education has been substituted for submission to the State Board of Education throughout. Other material within Subpart B has been reorganized so that the required content of Learning Assessment Plans is clearly set forth. This provides for needed accountability relating to the provision of assurances to the State Board.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 210.130, Reporting System, contains new language requiring copies of materials disseminated to the public to be submitted to the State Board. The schedule for development of districts' Learning Assessment Plans in the various remaining learning areas is shown in Section 210.140. Language added to 210.140(b)(3) serves to encourage districts to space out their local assessment activities during the year and provides the desired flexibility in choosing local learning objectives for assessment. Section 210.140(b)(4) shows the phasing-in of the complete assessment schedule and illustrates the difference between the state assessment schedule and the local schedule once assessment in all areas has been initiated: local assessment will cover all the areas of learning each year, while state assessment will cover Reading, Mathematics, and Language Arts each year and either Social Sciences and Fine Arts or Biological and Physical Sciences and Physical Development and Health.

The changes to Subpart C, School Improvement Plan, mirror some of those made in the sections pertaining to Learning Assessment Plans. That is, local board approval is required, submission to the State Board is deleted, and the provision of assurances within a certain time period allows the Board to monitor compliance with its requirements regarding these plans.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Rob Sampson
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-2826

The full text of the Adopted Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER e: INSTRUCTION

PART 210
LEARNING ASSESSMENT AND SCHOOL IMPROVEMENT PLANS

SUBPART A: GENERAL

Section
210.10

Introduction

SUBPART B: LEARNING ASSESSMENT PLAN

210.100 Learning Assessment Plan Elements

210.110 Student Learning Objectives

210.120 Assessment Systems

210.130 Reporting System

210.140 Learning Assessment Plan Submission Development and Assessment Schedule

210.150 Learning Assessment Plan Approval

SUBPART C: SCHOOL IMPROVEMENT PLAN

210.200 School Improvement Plan Elements

210.210 School Improvement Plan Submission Development

210.220 School Improvement Plan Approval

APPENDIX A STATE GOALS FOR LEARNING

AUTHORITY: Implementing and authorized by Sections 2-3.63, 2-3.64, and 27-1 of The School Code (Ill. Rev. Stat. 1987, pars. 2-3.63, 2-3.64, and 27-1).

SOURCE: Adopted at 11 Ill. Reg. 20787, effective December 15, 1987; amended at 12 Ill. Reg. 16052, effective September 23, 1988; amended at 14 Ill. Reg. 1254, effective January 8, 1990.

SUBPART A: GENERAL

Section 210.10 Introduction

- a) Each school district shall establish local goals for excellence in education, inform the public of those goals, and develop and submit to the State Board of Education Learning Assessment Plans and School Improvement Plans for approval by local board action pursuant to procedures and criteria set forth in this Part.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- b) Each Learning Assessment Plan ~~submitted for approval~~ shall at least contain the elements identified by the Section headings in Subpart B of this Part, as applicable, and the contents of each element shall at least conform to the requirements of the applicable Section.

- c) Each School Improvement Plan ~~submitted for approval~~ shall at least contain the elements identified in Section 210.200 of this Part and the Plan shall at least conform to the requirements of Section 210.220 of this Part.

- d) Student learning objectives for grades 3, 6, 8, and 11, as provided for in Section 210.110 of this Part, shall be understood to have been developed within the context of locally predetermined and stated levels of skills and knowledge desired in students completing the 12th grade.

- e) Any Plan ~~submitted~~ developed by an elementary or high school district pursuant to this Part shall include a statement of assurance that the Plan was developed in consultation between the sending (elementary) and receiving (high school) districts. Letters indicating that consultation has occurred shall be signed by the affected school district superintendents and shall be included in the Plan.

- f) Each school district shall submit the assurances set forth in subsection (g) to the State Board of Education with respect to all scheduled Learning Assessment Plans and School Improvement Plans, and any amendments thereto. These assurances shall be signed by the district superintendent and shall include identification of the school district, identification of the Learning Assessment Plan (i.e., by area of learning), School Improvement Plan, or amendment to which they pertain, and date of approval by the local board of education.

- g) The school district shall assure the State Board of Education that:

- 1) The Learning Assessment Plan, School Improvement Plan, or amendment has been approved by local board action, conforms to the requirements of the State Board of Education's rules entitled Learning Assessment and School Improvement Plans (23 Ill. Adm. Code 210), and is on file in the district for review by the State Board of Education.

- 2) The district has taken steps to ensure that its assessment methods and instruments are nondiscriminatory in relation to race, sex, or national origin (e.g., statements from publishers, report of an advisory panel, empirical data such as the results of statistical analysis of item bias).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 3) The district's assessment criteria will be uniformly applied to all students.
- 4) All students in grades 3, 6, 8, and 11 who are required under Section 2-3.64 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.64) to be assessed shall be administered assessment items, for those grades, to be provided by the State Board of Education pursuant to the provisions of Section 2-3.64 of The School Code and the assessment schedule set forth in Section 210.140(b).
- 5) The administration of the local assessment will occur each year in accordance with the schedule set forth in Section 210.140(b).
- 6) The district will maintain descriptions of its assessment procedures and copies of its instruments, to be made available to the State Board of Education upon request.

(Source: Amended at 14 Ill. Reg. 1254, effective January 8, 1990)

SUBPART B: LEARNING ASSESSMENT PLAN

Section 210.100 Learning Assessment Plan Elements

- a) A Learning Assessment Plan is a plan containing:

- 1) a) local learning objectives which are clearly stated and meet or exceed the State Goals for Learning set forth in Appendix A of this Part;
- 2) b) an assessment system linked to those objectives; and
- 3) c) a description of local expectations for student achievement of local learning objectives; and
- 4) d) a description of what the district will do to ensure that the public is adequately informed of the district's learning objectives, assessment results, expectations for student achievement, and local plans for improvement based on analysis of those results.

- b) Each district's Learning Assessment Plan shall conform to the following requirements:

- 1) Local objectives are at least consistent with the State Goals for Learning (See Section 210.110(d)).

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) assessment procedures are reasonable and adequate to determine the degree to which students are meeting objectives and reflect a local commitment to using a variety of testing methods as appropriate for each learning area;
- 3) assessment procedures are based on good testing practice, as described in "Standards for Educational and Psychological Testing" (1985) published by the American Psychological Association (No later amendments to or editions of these standards are incorporated by this rule.);
- 4) reporting procedures inform the public about local objectives, assessment results, expectations for student achievement, and local plans for improvement (see Section 210.130).

(Source: Amended at 14 Ill. Reg. 1254, effective January 8, 1990)

Section 210.110 Student Learning Objectives

- a) School districts shall establish student learning objectives which:

- 1) shall be consistent with the primary purpose of schooling, as set forth in Section 27-1 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 27-1);
 - 2) shall at least be consistent with the State Goals for Learning established in Appendix A of this Part;
 - 3) shall be established for grades 3, 6, 8, and 11 for each goal included in the six fundamental learning areas (i.e., Language Arts, Mathematics, Biological and Physical Sciences, Social Sciences, Fine Arts, and Physical Development and Health) set forth in Appendix A of this Part; and
 - 4) shall be submitted to the State Board of Education for approval approved by the local board of education in accordance with the schedule set forth in Section 210.140(a) of this Part.
- b) A school district may comply with the requirements of subsection (a) of this Section by:
 - 1) adopting or adapting learning objectives already established by the district;
 - 2) adopting or adapting the sample learning objectives published by the State Board of Education for one or more of the six fundamental learning areas; or

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 3) using a combination of subsections (b)(1) and (b)(2) of this Section, so long as the combination is at least consistent with the State Goals for Learning set forth in Appendix A of this Part. Compliance with this requirement shall be determined in accordance with the criteria provided in subsection (d) of this Section.
- c) Nothing in this Section shall be construed as prohibiting a district from revising learning objectives yearly, subject to the provisions of Section 210.150~~(f)~~ (d) of this Part.
- d) School district learning objectives shall be deemed to be consistent with the State Goals for Learning when, for each fundamental area of learning, they meet at least one of the following criteria.
 - 1) The objectives are identical to sample learning objectives for an applicable fundamental learning area(s).
 - 2) The objectives differ in whole or in part from the sample learning objectives but are nevertheless equivalent in that:
 - A) they address, at least as comprehensively (e.g., in scope, content, and specificity), each goal of the applicable fundamental learning area(s); and
 - B) they are measurable.

(Source: Amended at 14 Ill. Reg. 1254, effective January 8, 1990)

Section 210.120 Assessment Systems

The learning assessment approach prescribed by this Part is necessary to implement the statutory requirements for such systems in school districts. However, an assessment which occurs only once a year at a limited number of grade levels is not sufficient to stand alone as a meaningful method of evaluating student achievement. Therefore, the State Board of Education assumes that districts will have in place other appropriate assessment activities. Each school district shall provide include in its Plan a description of its assessment system, including instruments and procedures it will use annually as provided in ~~subsection (c)(5) of this Section~~, to determine the degree to which all students enrolled in grades 3, 6, 8, and 11 in the district, except those students receiving special education services pursuant to Article 14 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 14-1.01 et seq.) and 23 Ill. Adm. Code 226 (Special Education), are achieving the student learning objectives of the district. The description shall include at least the following information and assurances.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- a) Information Regarding Objective Tests
 - 1) A list of the ready-to-use tests (published by a test company) to be used by the district, including for each a statement of the objective(s) and grade(s) to which each test relates;
 - 2) a list of other tests developed by local personnel or custom-developed by others for districtwide use, including for each a statement of the objective(s) and grade(s) to which it relates; and
 - 3) assurance of each test's validity and reliability, citing the source(s) of evidence used (e.g., publisher's assurance, assurance of district personnel who have matched the assessment approach with the district's curriculum, empirical data and results, or other methods).
- b) Information Regarding Procedures Other Than Objective Tests
 - 1) A description of the uniform assessment procedures to be used throughout the district, including for each a statement of the objective(s) and grade(s) to which it relates; and
 - 2) assurance of each procedure's validity and reliability, citing the source(s) of evidence used (e.g., assurance of district personnel who have matched the assessment approach with the district's curriculum, empirical data and results, or other methods).

e) Assurances

- Each school district's Learning Assessment Plan shall include the following statement of assurances which shall be signed by the district superintendent.
 - 1) The district has taken steps to ensure that its assessment methods and instruments are nondiscriminatory in relation to race, sex, or national origin (e.g., statements from publishers, report of an advisory panel, empirical data).
 - 2) The district's assessment criteria will be uniformly applied to all students taking a particular set of assessment items.
 - 3) All students in grades 3, 6, 8, and 11 who are required under Section 2-3.64 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.64) to be assessed shall be administered assessment items for those grades, to be provided by the State-

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Board of Education pursuant to the provisions of Section 2-3-64 of the School Code and the assessment schedule set forth in Section 210-140(b) of this Part.

- 4) The administration of the state assessment procedures will occur in April of each year in accordance with the schedule set forth in Section 210-140(b) of this Part.
- 5) The administration of the local assessment will occur each year in accordance with the schedule set forth in Section 210-140(b) of this Part. Assessment of local district learning objectives may occur on an annual basis at any time during the school year provided that the district samples the achievement of its students in the fundamental areas of learning in April of each year.
- 6) The district will maintain descriptions of its assessment procedures and copies of its instruments to be made available to the State Board of Education upon request.

(Source: Amended at 14 Ill. Reg. 1254, effective January 8, 1990)

Section 210.130 Reporting System

Each Learning Assessment Plan submitted developed pursuant to this Part shall include a description of the system the district will use to annually appraise those who reside within the district's boundaries of the results of its assessment activities. The reporting system shall at least include statements of the degree to which the district's goals, objectives, and expectations for student achievement are being met, and if not, what appropriate actions are being taken. It shall also provide for annual dissemination of this information through:

- a) presentations at a regular school board meeting;
- b) distribution to newspaper(s) of general circulation serving the area in which the school district is located; and
- c) distribution to parents of the district's pupils; and
- d) submission to the State Board of Education of a copy of any locally developed information which is disseminated to the public to meet the reporting requirements set forth in subsections (a), (b), and (c).

(Source: Amended at 14 Ill. Reg. 1254, effective Jan. 8, 1990)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 210.140 Learning Assessment Plan Submission Development and Assessment Schedule

a) Plans

School districts shall submit develop Learning Assessment Plans (for grades 3, 6, 8 and 11), including objectives and assessment systems and a reporting system for the five three remaining fundamental learning areas (i.e., other than Language Arts, for which plans and reporting systems were submitted by August 31, 1987, and Mathematics and the Biological and Physical Sciences, for which plans and reporting systems were submitted by August 31, 1988) according to the following schedule:

- 1) Mathematics and the Biological and Physical Sciences--between April 1 and August 31, 1988;
- 2) Social Sciences, Fine Arts, and Physical Development and Health--between April 1 and August 31, 1989;

1) Social Sciences by August 31, 1991;

2) Fine Arts by August 31, 1992; and

3) Physical Development and Health by August 31, 1993.

b) Assessment Schedule

- 1) Initial state and local assessment in each fundamental area of learning for students in grades 3, 6 and 8 shall occur according to the following schedule:

A) Reading in the 1987-88 school year (other local objectives in Language Arts may be included in this assessment at the discretion of the local district);

B) Mathematics in the 1988-89 school year;

C) Language Arts and Biological and Physical Sciences in the 1989-90 school year;

D) Social Biological and Physical Sciences in the 1990-91 1991-92 school year;

E) Fine Arts Social Sciences in the 1991-92 1992-93 school year;

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- F) Physical-Development-and-Health Fine Arts in the 1992-93 1993-94 school year;¹ and
- G) Physical Development and Health in the 1994-95 school year.
- 2) Initial state and local assessment in each fundamental area of learning for students in grade 11 shall occur according to the following schedule:
- A) Reading in the 1989-90 school year (other local objectives in Language Arts may be included in this assessment at the discretion of the local district);²
- B) Mathematics in the 1990-91 school year;³
- C) Language Arts, and Biological and Physical Sciences, and Social-Sciences in the 1991-92 school year; and
- D) Fine-Arts-and-Physical-Development-and-Health Social Sciences in the 1992-93 school year;⁴
- E) Fine Arts in the 1993-94 school year; and
- F) Physical Development and Health in the 1994-95 school year.
- 3) Assessment Local Assessment related to all State Goals for Learning in each area of learning shall occur annually as provided in this subsection (4b) following the year of initial assessment. Such assessment may occur at any time during the school year, provided that the district samples its students' achievement in the fundamental areas of learning in April of each year. Each local learning objective must be assessed at least once every four years.
- 4) State assessment in the areas of learning will occur in accordance with the following schedule, resulting as of the 1993-94 school year in annual assessment in April in Reading, Mathematics, and Language Arts and in two of the remaining four areas each year, alternating between Social Sciences and Fine Arts on the one hand and Biological and Physical Sciences and Physical Development and Health on the other as illustrated below:

<u>Year</u>	<u>Areas and Grade Levels</u>
<u>1988-89</u>	<u>Reading (3-6-8)</u> <u>Mathematics (3-6-8)</u>

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1989-90 Reading (3-6-8-11)
Mathematics (3-6-8)
Language Arts (3-6-8)
- 1990-91 Reading (3-6-8-11)
Mathematics (3-6-8-11)
Language Arts (3-6-8)
- 1991-92 Reading (3-6-8-11)
Mathematics (3-6-8-11)
Language Arts (3-6-8-11)
Science (3-6-8-11)
- 1992-93 Reading (3-6-8-11)
Mathematics (3-6-8-11)
Language Arts (3-6-8-11)
Science (3-6-8-11)
Social Sciences (3-6-8-11)
- 1993-94 Reading (3-6-8-11)
Mathematics (3-6-8-11)
Language Arts (3-6-8-11)
Social Sciences (3-6-8-11)
Fine Arts (3-6-8-11)
- 1994-95 Reading (3-6-8-11)
Mathematics (3-6-8-11)
Language Arts (3-6-8-11)
Science (3-6-8-11)
Physical Development/Health (3-6-8-11)

(Source: Amended at 14 Ill. Reg. 1254, effective January 8, 1990)

Section 210.150 Learning Assessment Plan Approval

- a) State-Board-of-Education-staff-shall-review-each-Learning-Assessment-Plan-to-determine-its-conformance-to-the-requirements-of-this-Part-and-to-determine-whether-the-Plan-meets-the-following-criteria:
- 1) local-objectives-are-at-least-consistent-with-the-State-Goals-for-Learning-(See-Section-210-110(d));
 - 2) assessment-procedures-are-reasonable-and-adequate-to-determine-the-degree-to-which-students-are-meeting-objectives-and-reflect-a-total-commitment-to-using-a-variety-of-testing-methods-as-appropriate-for-each-learning-area;
 - 3) assessment-procedures-are-based-on-good-testing-practice-as-described-in-"Standards-for-Educational-and-Psychological

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Testing" (1985) published by the American Psychological Association. (No later amendments to these standards are incorporated by this rule.)

- 4) reporting procedures are adequate to inform the public about local objectives, assessment results, expectations for student achievement, and local plans for improvement (see Section 210-130).

a) Each school district's Learning Assessment Plans shall be approved by its local school board.

- b) Upon completion of review and approval of a Plan by the local board of education, the State Superintendent of Education shall inform the submitting district; the school district shall submit an assurance to the State Board of Education that the plan has been approved and is on file in the district for review by the State Board of Education; the assurances contained in Section 210.10(g), which shall be signed by the district superintendent.

1) that its Learning Assessment Plan has been approved pursuant to the provisions of subsection (a) of this Section; or that

- 2) its Plan can be approved upon the submission of specified revisions and/or additional information.

c) Pursuant to subsection (b) (2) of this Section, a district shall have thirty (30) calendar days to submit the information and/or revisions required for the approval of its Learning Assessment Plan.

d) Upon completion of review of information submitted by a district pursuant to the provisions of subsection (b) (2) of this Section, the district will be notified that the district's Plan has been approved or that the Plan remains unapprovable for reasons which shall be specified.

c) If an approvable Learning Assessment Plan (including any amendments) the required assurances have not been received by the State Board of Education within ninety (90) days of the final submission date specified in Section 210.140 of this Part, the district shall be subject to the recognition provisions of 23 Ill. Adm. Code 1. Subpart A, which shall also govern the monitoring of all requirements set forth in this Part.

d) A Learning Assessment Plan that has been approved by the local board of education pursuant to this Part remains in such status unless:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) the district submits amendments to amend the Plan because of changes in local conditions or local expectations; or

- 2) the State Superintendent of Education requires the district to amend the Learning Assessment Plan as a condition for approval of the district's School Improvement Plan.

e) g) Amendment(s) must be submitted to the State Board of Education for review and approval approved by the local board of education pursuant to the provisions of this Section. Within ninety (90) days of such action, the district shall submit to the State Board of Education the assurances contained in Section 210.10(g) with respect to such amendment(s). The assurances shall be signed by the district superintendent.

(Source: Amended at 14 Ill. Reg. 1254, effective January 8, 1990)

SUBPART C: SCHOOL IMPROVEMENT PLAN

Section 210.210 School Improvement Plan Submission Development

Beginning in 1988, each school district will submit develop a School Improvement Plan to the State Board of Education by November 15 of each year in which assessment has occurred pursuant to Section 210.140(b) of this Part, and the Plan shall include a schedule for implementation to begin no later than the following February 15.

(Source: Amended at 14 Ill. Reg. 1254, effective January 8, 1990)

Section 210.220 School Improvement Plan Approval

a) State Board of Education staff shall review each School Improvement Plan to determine its conformance to the requirements of this Part and to determine whether the school district:

- 1) has carefully examined local assessment results relative to its stated objectives and expectations for student achievement;
- 2) has identified areas needing attention;
- 3) has identified the actions to be taken to address the problems identified; and
- 4) has defined a time-specific action plan to begin no later than the following February 15.

a) Each school district's School Improvement Plans shall be approved by its local school board.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- b) Upon completion of review and approval of a Plan, the State Superintendent of Education shall inform the submitting district; the school district shall submit to the State Board of Education the assurances contained in Section 210.10(g), which shall be signed by the district superintendent.
- 1) that its School Improvement Plan has been approved pursuant to the provisions of subsection (a) of this Section; or that
- 2) its Plan can be approved upon the submission of specified revisions and/or additional information.
- c) Pursuant to subsection (b)(2) of this Section, a district shall have twenty (20) calendar days to submit the information and/or revisions required for the approval of its School Improvement Plan.
- d) Upon completion of review of information submitted by a district pursuant to the provisions of subsection (b)(2) of this Section, the district will be notified that its Plan has been approved or that the Plan remains unapprovable for reasons which shall be specified.
- e) If an approvable School Improvement Plan (including any amendments) the required assurances have not been received by the State Board of Education within ninety (90) days of the submission date specified in Section 210.210 of this Part, the district shall be subject to the recognition provisions of 23 Ill. Adm. Code 1. Subpart A (Public Schools Evaluation, Recognition and Supervision), which shall also govern the monitoring of all requirements set forth in this Part.
- d) f) A School Improvement Plan that has been approved pursuant to this Part remains continuously in such status until the following November 15 when the next School Improvement Plan must be submitted to the State Board of Education is approved by the local board of education according to the annual timetable set forth in Section 210.210.

(Source: Amended at 14 Ill. Reg. 1.254, effective January 8, 1990)

ILLINOIS REGISTER

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1100
- 3) Section numbers: Adopted Action:
 1100.10 Amended
 1100.20 Amended
 1100.30 Amended
 1100.40 Amended
 1100.70 Amended
 1100.80 Amended
 1100.90 New Section
 1100.100 New Section
- 4) Statutory Authority: Implementation and authority by the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, pars. 1701 et seq.
- 5) Effective Date of Amendments: January 5, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 5, 1990
- 9) Notice of Proposal Published in Illinois Register: February 3, 1989, 13 Ill. Reg. 1327
- 10) Has JCER issued a Statement of Objections to this Rule? No
- 11) Differences between Proposed and Final version:

- A) The Agency notes the following technical differences between the February 3, 1989 initial proposal and the final version of this rule. These "technical" differences include corrections for typographical and spelling errors; addition of statutory references; changes suggested by the Secretary of State, including correcting references to this Rule or other Rules, and the Illinois Educational Labor Relations Act; format changes; technical, nonsubstantive changes in

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Agency procedures; and conforming paragraph numbers. Technical differences between the proposed and final version of this Rule are found in:

- 1) Table of Contents -- Title for 1100.80
- 2) AUTHORITY note
- 3) Section 1100.10(a) (b)
- 4) 1100.10(g)
- 5) Section 1100.20(b)
- 6) Section 1100.50
- 7) Section 1100.70(a), (b), (c)
- 8) Section 1100.100.

B) The Agency notes the following differences between the proposed and final versions of this Rule that are of a substantive nature. All agreements between the Agency and the Joint Committee on Administrative Rules are contained in these substantive changes:

- 1) Section 1100.10(g): replace "pursuant to" with "issued under"; replace "21" with "21-1 et seq."
- 2) Section 1100.10(i): replace "a holiday as defined or fixed in any statute now or hereafter enforced in this State," with "legal school holiday" specified in Section 24-2 of the School Code (not to include 'special holidays' or 'commemorative holidays'), or a holiday observed by the Board."
- 3) Section 1100.20(f): delete the period, and replace with a comma, adding the following: "if said failure results in prejudice to another party (such as lack of notice or detrimental reliance) or demonstrates disregard of the Board's processes, (such as continued noncompliance)."
- 4) Section 1100.30: delete the "s" from "Computations" in the text and title of Section 1100.30.
- 5) Section 1100.30(d): replace the period with a comma, and add "(undue delay to be determined by factors including the length of the requested extension, the length of time the matter has been pending, whether the party has previously requested extensions and the impact of delay on other parties)."
- 6) Section 1100.50: The IELRB withdraws its proposed amendments and returns to the language of Section 1100.50 as is currently adopted.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 7) Section 1100.70(c): (1) to include an underline under "s" in "subpoenas" and to replace "AN ACT" with "AN ACT"; (2) To show "1987".
- 8) Section 1100.90: (1) to add after the second sentence the following: "The Board's standards by which to grant leave to file an amicus brief will include the importance of the issue presented, the general application of the issue presented and the need perceived by the Board for additional briefing on the issue presented."; (2) to delete the phrase "Unless the Board specifies otherwise"; and (3) to replace "may" with "will be invited to . . ."

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: To effectuate the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, pars. 1701 et seq., in a manner consistent with developing legal precedents in the area of general procedures.

16) Information and questions regarding these Adopted Amendments shall be directed to: David A. Youngerman, Chief Hearing Officer, 20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606.

The full text of the Adopted Amendments begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE C: LABOR RELATIONS

CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1100

GENERAL PROCEDURES

Section

1100.10	Definitions
1100.20	Filing and Service of Documents
1100.30	Computation and Extensions of Time
1100.40	Hearing Officers
1100.50	Recording of Hearings
1100.60	Representation of Parties
1100.70	Subpoenas
1100.80	Limitation on Practice Before the Board by Former Employees
1100.90	Amicus Curiae
1100.100	Gender Usage

AUTHORITY: Implementing and authorized by the Illinois Educational Labor Relations Act (Ill. Rev. Stat. 1987, ch. 48, par. 1701 et seq.).

SOURCE: Emergency rules adopted at 8 Ill. Reg. 8638, effective June 6, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 22548, effective November 5, 1984; amended at 14 Ill. Reg. 1270, effective January 5, 1990.

Section 1100.10 Definitions

- b) a) The term "Act" shall mean the Illinois Educational Labor Relations Act. (Ill. Rev. Stat. 1987, ch. 48, par. 1701 et seq.).
- a) b) This Part ~~these rules~~ incorporates the definitions contained in Section 2 of the ~~Illinois Educational Labor Relations Act~~.
- c) The term "incumbent employee organization" or "incumbent exclusive representative" shall mean the existing exclusive representative of the employees in the bargaining unit.
- d) The term "charging party" shall mean the person who files an unfair labor practice charge.
- e) The term "respondent" shall mean the party named in an unfair labor practice charge or complaint as having allegedly committed the unfair labor practice.
- f) The term "scheduled start of the forthcoming school year" shall mean the first date scheduled for student attendance for that year.
- g) The term "professional instructional personnel" shall mean, in the case of a public school district, any employee whose position requires a certificate issued under pursuant to Section 21-1 et seq. ~~Article 21 of Section 34-89 of The School Code~~. (Ill. Rev. Stat. 1987, ch. 122, art-21 [ar. 21-1 et seq.]).
- h) The term "professional instructional personnel" shall mean in the case of an employer other than a public school district, any employee whose

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

position includes or could include the provision of academic instruction to students.

- i) The term "legal holiday" shall mean a "legal school holiday" as specified in Sec. 24-2 of the School Code (not to include "special holidays" or "commemorative holidays"), or a holiday observed by the Board.

(Source: Amended at 14 Ill. Reg. 1270, effective January 5, 1990.)

Section 1100.20 Filing and Service of Documents

- a) All documents relating to any proceeding before the Illinois Educational Labor Relations Board (the Board) shall be filed in either the Board's Springfield or Chicago office. The original and seven two copies of each document shall be filed in all proceedings before the members of the Board; the original and three copies of each document shall be filed in any proceeding before a Hearing Officer. Except as otherwise specified in the rules of the Board, documents shall be considered filed with the Board on the date they are received by the Board or on the date they are postmarked if sent by registered or certified mail. Documents sent by any means other than registered or certified mail shall be considered filed on the date they are received by the Board, except that documents shall be considered filed on the date they are tendered to an overnight delivery service, if that service provides a receipt showing the date on which the documents were tendered for delivery.

- b) Whenever 80 Ill. Adm. Code: Subtitle C, Chapter III ~~these rules~~ requires that a document be on a form developed by the Board, the document may be prepared on a form obtained from the Board or on a facsimile thereof. Minor deviations in the form of a document shall not be grounds for objecting to the document. Minor deviations are those deviations that involve form but not substance and thus do not prejudice any other party to the case.

- c) The Board will serve petitions, intervening claims and unfair labor practice charges and ~~subpoenas shall be served~~ on the appropriate parties by either personal service, registered or certified mail, or by leaving a copy at the principal principle office or place of business of the person required to be served.

- d) All documents, except those listed in Subsection (c), above, will may be served on the appropriate parties by the party propounding the document, either by the methods listed in Subsection (c), or by first class mail, or overnight delivery service. When a party is represented in a proceeding before the Board, service shall be on the party's representative. When a party is not represented, service shall be on the party. Subpoenas will be served by the party requesting the subpoena, but in the manner provided in subsection (c) above.

- e) Whenever a document is filed with the Board, it shall be accompanied

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

by a certificate of service. A certificate of service shall consist of a written statement, signed by the party effecting service, detailing the name of the party served and the date and manner of service.

- f) Failure of a party to serve a document or failure to attach a certificate of service may be grounds to strike the document, if said failure results in prejudice to another party (such as lack of notice or detrimental reliance) or demonstrates disregard of the Board's processes (such as continued noncompliance).

(Source: Amended at 14 Ill. Reg. 1270, effective January 5, 1990.)

Section 1100.30 Computation and Extensions of Time

- a) In computing any period of time prescribed by the Act or these rules this Part or 80 Ill. Adm. Code 1105, 80 Ill. Adm. Code 1110, 80 Ill. Adm. Code 1120, 80 Ill. Adm. Code 1125, 80 Ill. Adm. Code 1130, and 80 Ill. Adm. Code 1135, except for objections to an election, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included. If the last day of the period so computed falls on a Saturday, Sunday or legal holiday, the time period shall be automatically extended to the next day that is not a Saturday, Sunday or legal holiday.
- b) When a time period prescribed under the Act or these rules this Part is less than seven days, intervening Saturdays, Sundays, or legal holidays shall not be included.
- c) Whenever a time period begins running upon the service of notice or other document upon a party, and service is effected by first-class mail, three days shall be added to the prescribed period. However, three days shall not be added if any extension of time has been granted.
- d) In all proceedings before the Board, extensions of time will be granted only upon timely written motion application to the Board General Counsel, if the matter is before the members of the Board, or the presiding hearing officer if the matter is before a hearing officer, and only upon a specific showing that compliance with the deadline would be unduly burdensome for the party seeking the extension, and the extension will not unduly delay the proceeding (undue delay to be determined by factors including the length of the requested extension, the length of time the matter has been pending, whether the party has previously requested extensions and the impact of delay on other parties).

(Source: Amended at 14 Ill. Reg. 1270, effective January 5, 1990.)

Section 1100.40 Hearing Officers

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Whenever the Board appoints a hearing officer to preside over a matter, the hearing officer shall have the authority to do any or all of the following:

- dispose of procedural requests, motions, or similar matters;
- continue or adjourn a hearing to a later date;
- grant applications for subpoenas; subpoena witnesses, administer oaths and affirmations, examine witnesses, receive relevant testimony and evidence, rule upon offers of proof, and introduce into the record relevant evidence;
- take official notice of generally recognized facts; and
- generally regulate the course of a hearing.

(Source: Amended at 14 Ill. Reg. 1270, effective January 5, 1990.)

Section 1100.70 Subpoenas

- a) Subpoenas, including subpoenas duces tecum, shall be issued by the Board upon written application of a party to the Chief Hearing Officer General Counsel. The application shall contain the name and address of the party and its representative, and the name of the person to be subpoenaed, and where applicable, a description of any documents to be produced.
- b) A person objecting to the subpoena may file a motion to revoke the subpoena. Prior to the opening of a hearing, any motion to revoke a subpoena shall be filed with the Chief Hearing Officer General Counsel. After the opening of a hearing, any motion to revoke a subpoena shall be filed with the hearing officer. The motion must be filed by the date on which the person is required to appear, and, in any event, no later than five days after service of the subpoena. Grounds for revocations of subpoenas shall include such factors as irrelevance, burdensomeness of compliance or privilege.
- c) Witnesses appearing at a hearing pursuant to subpoenas are entitled to the same fees and mileage as are allowed witnesses in civil cases in the courts of the State of Illinois, pursuant to Section 47 of "AN ACT in relation to the compensation of Sheriffs, Coroners, County Treasurers, County Clerks, Records, and Auditors with their necessary clerk hire, stationery, fuel and other expenses, in counties less than 2,000,000 inhabitants" (Ill. Rev. Stat. 1983, ch. 53, par. 65). Witness fees and mileage shall be paid by the party at whose request the subpoena was issued.

(Source: Amended at 14 Ill. Reg. 1270, effective January 5, 1990.)

Section 1100.80 Limitation on Practice Before the Board by Former Employees

No person who has been a Board member or an employee of the Board shall engage in practice before the Board or its agents in any respect in connection with

any case or proceeding in which he participated which was pending during the time of his membership on the Board or employment with the Board. No person who has been a member of the Board or has been an employee of the Board shall engage in practice before the Board or its agents in any respect in connection with any case or proceeding not pending during his membership or employment for a period of six months after his membership or employment with the Board has terminated.

(Source: Amended at 14 Ill. Reg. 1270, effective January 5, 1990.)

Section 1100.90 Amicus Curiae

Amicus Curiae briefs may be filed by leave of the Board, or at the request of the Board. A motion for leave to file an amicus curiae brief will state the reasons why an amicus curiae brief is desirable. The Board's standards by which to grant leave to file an amicus brief will include the importance of the issue presented, the general application of the issue presented and the need perceived by the Board for additional briefing on the issue presented. The amicus curiae brief shall conform to any conditions imposed by the Board for briefs in the case in which the brief is filed. The amicus curiae brief shall be filed on or before the due date of the initial brief of the party whose position it supports. Amicus curiae parties will be invited to participate in oral arguments heard by the Board.

(Source: Added at 14 Ill. Reg. 1270, effective January 5, 1990.)

Section 1100.100 Gender Usage

Whenever the masculine gender is used in 80 Ill. Adm. Code: Subtitle C, Chapter III, that reference also refers to the female gender.

(Source: Added at 14 Ill. Reg. 1270, effective January 5, 1990.)

- 1) The Heading of the Part: Hearing Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1105
- 3) Section numbers: Adopted Action:

1105.10 Amended

1105.20 Amended

1105.30 Amended

1105.40 Amended

1105.50 Amended

1105.80 Amended

1105.100 Amended

1105.110 Amended

1105.120 Amended

1105.130 Repealed

1105.140 Amended

1105.160 Amended

1105.170 Amended

1105.220 Amended
- 4) Statutory Authority:

Implementation and authority by the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, pars. 1701 et seq.
- 5) Effective Date of Amendments: January 5, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 5, 1990
- 9) Notice of Proposal Published in Illinois Register:

February 3, 1989, 13 Ill. Reg. 1335
- 10) Has JCER issued a Statement of Objections to this Rule? No
- 11) Differences between Proposed and Final version:

A) The Agency notes the following technical differences between the February 3, 1989 initial proposal and the final version of this Rule. These "technical" differences include

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

corrections for typographical and spelling errors; addition of statutory references; changes suggested by the Secretary of State, including correcting references to this Rule or other Rules, and the Illinois Educational Labor Relations Act; format changes; technical, nonsubstantive changes in Agency procedures; and conforming paragraph numbers. Technical differences between the proposed and final version of this Rule are found in:

- 1) Table of Contents
- 2) Title: Subpart A
- 3) Section 1105.10
- 4) Section 1105.20(a)
- 5) Section 1105.20(f)
- 6) Section 1105.30(j)
- 7) Section 1105.40(a)(6)
- 8) Section 1105.50(e)(6)
- 9) Section 1105.100(c)
- 10) Section 1105.100(d)
- 11) Section 1105.120(h)
- 12) Section 1105.140(c)
- 13) Section 1105.150(f)
- 14) Section 1105.160(a).

B) The Agency notes the following differences between the proposed and final versions of this Rule that are of a substantive nature. All agreements between the Agency and the Joint Committee on Administrative Rules are contained in these substantive changes:

- 1) Section 1105.20(b)(c): Add as the last sentence in both sections, the following: "A fact is material to the claim or defense in issue when the success of the claim or defense is dependent upon the existence of that fact."
- 2) Section 1105.20(g): replace "the Rules" with the following: "80 Ill. Adm. Code 1100, 80 Ill. Adm. Code 1105, 80 Ill. Adm. Code 1110, 80 Ill. Adm. Code 1120, 80 Ill. Adm. Code 1125, 80 Ill. Adm. Code 1130 and 80 Ill. Adm. Code 1135."
- 3) Section 1105.20(g)(3): Replace "may" with "will".
- 4) Section 1105.30(b): Delete "a list of witnesses for the party's case in chief"; add as the last sentence the following: "Parties submitting pre-hearing information specified above must serve that information on other parties."

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 5) Section 1105.40(a)(4)(5): Add after the word "parties" in each section the following: "or the hearing officer".
- 6) Section 1105.80(a): Restore the following existing language at the end of the first sentence: "pursuant to the time limits established in Section 1110.100(h) of the Rules of the Board."
- 7) Section 1105.80(b): Add before the last sentence the following: "Such response shall be served on all parties and a certificate of service shall be attached. Parties shall file the original and seven copies of their exceptions and supporting brief or response with the General Counsel."
- 8) Section 1105.80(c): Delete the following: "This decision is a final decision for purposes of the Administrative Review Law (Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq.); delete the text after the third sentence of the Section, beginning with "A party may file..."; add the following as the last sentence in the Section: "An order of the Board dismissing or granting a petition for clarification of an existing bargaining unit, or dismissing or granting an amendment of certification is a final order."
- 9) Section 1105.100(c)(3): Delete the following in item formerly numbered 1105.100(c)(3): "The date upon which the parties shall submit pre-hearing materials as required by Section 1105.120 of this Subpart;"
- 10) Section 1105.100(g): In the first sentence, delete the period after "hearing", and add the following: "upon motion of a party or on the Executive Director's own motion. Grounds for amendment will include newly discovered evidence, inadvertent exclusions and new allegations."; delete the period after "amendment", and add the following as the end of the Section: ", and the Respondent shall have 15 days after the service of the amended complaint, unless waived by the Respondent, within which to file an answer to the amended complaint."
- 11) Section 1105.120(b): Delete "the Rules"; and replace with the following: "80 Ill. Adm. Code 1100, 80 Ill. Adm. Code 1105, 80 Ill. Adm. Code 1110, 80 Ill. Adm. Code 1120, 80 Ill. Adm. Code 1125, 80 Ill. Adm. Code 1130 and 80 Ill. Adm. Code 1135."

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

1125, 80 Ill. Adm. Code 1130, 80 Ill. Adm. Code 1135."

12) Section 1105.120(f): Delete the semicolon after "examine witnesses"; insert "and" before "direct"; delete the following: "call or subpoena witnesses not offered by the parties, and examine such witnesses;"

13) Section 1105.140(a): In the first sentence insert "each" before "file", delete "a", and delete the word "memorandum" and replace it with "memoranda"; in the second sentence delete the phrase "memorandum which shall be signed by all parties or their representatives," and replace it with "memoranda".

14) Section 1105.140(b): Delete the following existing subsection (b): "The complainant shall have the responsibility for preparing the first draft of the pre-hearing memorandum."

15) Section 1105.140(d): In the first sentence, add the phrase "or by the Hearing Officer" after "opposing party"; in the first sentence, add the following existing language after "case-in-chief": "or, in the alternative, for a continuance to allow the opposing party time to review the exhibit or determine the nature of the witnesses' testimony and prepare to meet or counter such evidence."

16) Section 1105.160(d)(6): Delete the period, and add the following: ", but such communications shall not form the basis for any finding of fact."

17) Section 1105.220(b): Add the following after the fifth sentence in the subsection: "Such response shall be served on all parties and a certificate of service shall be attached."

18) Section 1105.220(c): Delete the proposed text after the third sentence in the subsection, beginning with "A party may file . . ."

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: To effectuate the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, pars. 1701 et seq., in a manner consistent with developing legal precedents in the area of non-adversarial proceedings and contested cases.

16) Information and questions regarding these Adopted Amendments shall be directed to: David A. Youngerman, Chief Hearing Officer, 20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606.

The full text of the Adopted Amendments begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE C: LABOR RELATIONS

CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1105

HEARING PROCEDURES

SUBPART A: NON-ADVERSARIAL PROCEEDINGS

Section

1105.10 General Statement of Purpose
 1105.20 Setting of Representation Hearing
 1105.30 Authority of Hearing Officer
 1105.40 Rights of Parties
 1105.50 Conduct of Hearing
 1105.60 Admissible Evidence
 1105.70 Official Notice
 1105.80 Decisions and Exceptions

SUBPART B: CONTESTED CASES

Section

1105.90 General Statement of Purpose
 1105.100 Setting of Contested Case Hearing
 1105.110 Parties
 1105.120 Authority of Hearing Officer
 1105.130 Requests for Documents (Repealed)
 1105.140 Pre-Hearing Memorandum
 1105.150 Rights of Parties
 1105.160 Order of Hearing
 1105.170 Conduct of Hearing
 1105.180 Confidentiality
 1105.190 Admissible Evidence
 1105.200 Official Notice
 1105.210 Examination of Hostile Party or Adverse Witness
 1105.220 Decisions and Exceptions

AUTHORITY: Implementing and authorized by the Illinois Educational Labor Relations Act, (Ill. Rev. Stat. 1987, ch. 48, pars. 1701 et. seq.).

SOURCE: Adopted at 9 Ill. Reg. 9491, effective June 11, 1985; amended at 14 Ill. Reg. 1278, effective January 5, 1990.

SUBPART A: NON-ADVERSARIAL PROCEEDINGS

Section 1105.10 General Statement of Purpose

the rules in this Subpart details the procedures that will be followed in hearings that deal with issues related to the holding of an election.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

challenged ballots, amendment of certification or unit clarification, pursuant to Section 7 of the Illinois Educational Labor Relations Act (Supp. to Ill. Rev. Stat. 1987, ch. 48, par. 1701.77) ("the Act"), and 80 Ill. Adm. Code 110.100 of the rules of the Illinois Educational Labor Relations Board.

(Source: Amended at 14 Ill. Reg. 1278, effective January 5, 1990)

Section 1105.20 Setting of Representation Hearing

a) Where a representation petition has been filed and the Illinois Educational Labor Relations Board (the Board) has determined that the petition is supported by an adequate showing of interest and there is reasonable cause to believe that a question of representation exists pursuant to Section 7 of the Act and 80 Ill. Adm. Code 110.100 a hearing shall be scheduled on any unresolved issues relating to the holding of an election. These issues include (but are not limited to) the scope of the bargaining unit, the exclusion of confidential, supervisory, or managerial employees as defined in the Act, or the existence of a contract-bar or an election-bar bar to a petition or an election. Where the parties to a representation petition are able to agree to the holding of an election and enter into a consent agreement pursuant to Section 80 Ill. Adm. Code 110.100, no hearing will be held.

b) Where a petition to clarify an existing bargaining unit is filed pursuant to 80 Ill. Adm. Code 110.160 and it presents unresolved issues of material fact, it shall be set for hearing. When the petition does not present unresolved issues of material fact, the Executive Director will rule on the petition without a hearing. A fact is material to the claim or defense in issue when the success of the claim or defense is dependent upon the existence of that fact.

c) Where a petition to amend certification is filed pursuant to 80 Ill. Adm. Code 110.170 and it presents unresolved issues of material fact, it shall be set for hearing. When the petition does not present unresolved issues of material fact, the Executive Director will rule on the petition without a hearing. A fact is material to the claim or defense in issue when the success of the claim or defense is dependent upon the existence of that fact.

d) Whenever a challenged ballot is determinative of the results of an election, a hearing shall be set when the challenge presents unresolved questions of material fact. Issues shall include (but are not limited to) whether the challenged ballot shall be counted in the final tally of the election. When the challenge does not present unresolved questions of material fact, the Executive Director will rule on the challenge without a hearing.

e) When such a hearing is necessary to resolve issues relating to the holding of an election, challenged ballots, amendment of certification or unit clarification, the General Counsel Executive Director shall

Section 1105.30 Authority of Hearing Officer

appoint a hearing officer and shall give at least five seven days' notice to the parties. That notice shall include:

- 1) The name of the hearing officer;
- 2) The nature, location, date, and time of the hearing;
- 3) A statement of the legal authority and jurisdiction under which the hearing is to be held; and
- 4) A reference to the particular section of the Act and the rules of the Board involved.

ef) Motions to intervene or participate in the hearing, motions for continuances, and motions to revoke or quash subpoenas shall be directed to the Hearing Officer, or, in the event that a Hearing Officer has not been named, to the Chief Hearing Officer General Counsel. All such motions or requests must be in writing, must state with specificity the reasons or grounds for the motion, and must be served on all parties simultaneously with their filing with the Hearing Officer or Chief Hearing Officer General Counsel.

dg) Unless otherwise provided in the rules of the Board governing specific types of proceedings, the briefing schedule for all motions shall be as follows:

- 1) Any supporting brief by the moving party shall be filed and served on all other parties simultaneously with the motion.
- 2) Other parties shall have five seven days to file a response and serve that response on all other parties simultaneously with the filing.
- 3) The parties must seek leave of the Hearing Officer to file any additional briefs. The Hearing Officer will allow the filing of additional briefs upon demonstration that material issues which could not have been anticipated have been raised.

eh) Motions for continuances will be granted only for good cause shown, such as the unavoidable absence unavailability of a person essential to the hearing, and only when the continuance will not unduly delay the hearings where that unavailability is due to illness, death or a conflicting commitment such as a previously scheduled court date in another matter. The moving party shall state specifically in the motion the reasons that a continuance is being sought and shall state whether the moving party has discussed the motion with all other parties and whether any other party opposes the motion. The motion must be accompanied by an affidavit. If the moving party has based the motion on the existence of a conflicting commitment, the moving party must state in the affidavit that he or she has unsuccessfully attempted to change the conflicting date or is unable to do so. If the unavailable person is a witness, the moving party shall state specifically in the affidavit why the evidence or testimony sought to be introduced through that witness cannot be introduced through another witness or other witnesses.

(Source: Amended at 14 Ill. Reg. 1278, effective January 5, 1990)

Section 1105.40 Rights of Parties

The hearing officer shall have the duty to conduct a fair hearing, to ensure development of a clear and complete record, to take all necessary action to avoid delay, and to maintain order. The hearing officer shall have all powers necessary to these ends including (but not limited to) the authority to:

- a) Require submission of exhibits before the hearing;
- b) Require all parties to state in writing their positions with respect to issues, and to submit pre-hearing information, including a list of all exhibits to be offered by each party in their case in chief and a copy of each such exhibit, stipulations as to the authenticity and business record status of each such exhibit, and the estimated time proposed for the party's case in chief. Parties submitting pre-hearing information specified above must serve that information on all other parties;
- c) Administer oaths and affirmations or direct the administration of oaths and affirmations by the court reporter transcribing the hearing;
- d) Examine witnesses, direct witnesses to testify, call or subpoena witnesses not offered by the parties, and examine such witnesses;
- e) Rule upon offers of proof and receive evidence and rule upon objections to the introduction of evidence;
- f) Regulate the course-of-the-hearing proceedings of the case, and the conduct of the parties and their counsel, including (but not limited to) determining the order in which the parties shall present evidence after considering the parties' relative access to relevant evidence; Enter, on his own motion or motion of a party, such orders as are just when a party fails to comply with any order entered under 80 Ill. Adm. Code 1100, 80 Ill. Adm. Code 1105, 80 Ill. Adm. Code 1110, 80 Ill. Adm. Code 1120, 80 Ill. Adm. Code 1125, 80 Ill. Adm. Code 1130 and 80 Ill. Adm. Code 1135;
- gh) Establish reasonable limits on the frequency and duration of the testimony of any witness and limit repetitions or cumulative testimony;
- hi) Establish reasonable time limits and guidelines for opening or closing statements based upon the number and complexity of the issues;
- ij) Establish deadlines and limitations for the filing of post-hearing briefs, including (but not limited to) requiring the parties each party to elect between offering closing arguments or submitting post-hearing briefs simultaneously on a date set by the hearing officer; and
- jk) Issue decisions pursuant to Section 1105.80 of this Subpart.

(Source: Amended at 14 Ill. Reg. 1278, effective January 5, 1990)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- a) All parties to a representation hearing shall have the following rights:
- 1) To appear on their own behalf, to be represented by counsel, or to be represented by persons experienced and knowledgeable in the matters under consideration;
 - 2) To offer evidence through the testimony of witnesses or through exhibits;
 - 3) To request subpoenas in order to subpoena witnesses or documents for the hearing;
 - 4) To question witnesses offered by other parties or the hearing officer;
 - 5) To object to testimony or exhibits offered by other parties or the hearing officer; and
 - 6) To make opening statements and to make either closing statements or submit post-hearing briefs simultaneously, subject to any limitation established by the hearing officer pursuant to Section 1105.30 of this Subpart.
- b) Misnomer of a party shall not be grounds for dismissal; the name of any party may be corrected at any time while the case is pending.
- c) All representation and decertification petitions may be amended at any time to conform with the evidence presented in the hearing.

(Source: Amended at 14 Ill. Reg. 1278, effective January 5, 1990.)

Section 1105.50 Conduct of Hearing

- a) All hearings under this Subpart shall be public.
- b) All witnesses shall be sworn.
- c) All testimony shall be recorded stenographically, or by other means which adequately preserve the record. The parties shall be responsible for obtaining their own copies of the transcript from the reporter. In the event that a party wishes to correct a transcription error in the transcript, the party shall notify the Hearing Officer in writing within seven days of receipt of the transcript and shall simultaneously serve a copy of that notification upon all other parties.
- d) A party tendering an exhibit for identification or admission into evidence shall be responsible for providing the original and three copies of the exhibit to the Hearing Officer and one copy to each ~~all~~ other parties party at the time that the exhibit is tendered.
- e) The hearing record in all contested cases shall include:
 - 1) All petitions (excluding showing of interest submitted pursuant to 80 Ill. Adm. Code 1110), motions, briefs, exceptions, and rulings; or decisions by the Hearing Officer;
 - 2) All evidence received by the Hearing Officer;
 - 3) A statement of all matters of which official notice has been taken;

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 4) Offers of proof, objections, and rulings thereon;
- 5) Proposed findings of fact and conclusions of law; and
- 6) Any ex parte communications prohibited by Section 15 of the Illinois Administrative Procedure Act (Ill. Rev. Stat., 1987, ch. 127, par. 1015), but such communications shall not form the basis for any finding of fact.

(Source: Amended at 14 Ill. Reg. 1278, effective January 5, 1990.)

Section 1105.80 Decisions and Exceptions

- a) The Hearing Officer shall issue a decision and give reasons for that decision in writing pursuant to the time limits established in 80 Ill. Adm. Code 1110.100(h) of the rules of the Board. Any findings of fact in this decision must be based exclusively upon the evidence in the record and on matters of which official notice has been taken.
- b) The parties may file exceptions to the Hearing Officer's recommended decisions and briefs in support of those exceptions no later than seven fourteen days after receipt of the recommended decision. Those exceptions and briefs shall be filed with the General Counsel. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. The other parties shall have seven fourteen days from receipt of the exceptions and supporting brief to file a response with the General Counsel. Such response shall be served on all parties and a certificate of service shall be attached. Parties shall file the original and seven copies of their exceptions and supporting brief or response with the General Counsel. The General Counsel shall provide the Board with copies of the exceptions, briefs, and the recommended decision.
- c) The Board shall review the Hearing Officer's decision and any exceptions pursuant to 80 Ill. Adm. Code 1110.100(j) and will issue and serve upon all parties a written decision giving the Board's reasons for its determination. This decision is a final decision for purposes of the Administrative Review Law (Ill. Rev. Stat., 1993, ch. 110, par. 3-101--et seq.). An order of the Board dismissing a representation petition, determining and certifying that a labor organization has been fairly and freely chosen by a majority of employees in an appropriate bargaining unit, determining and certifying that a labor organization has not been fairly and freely chosen by a majority of employees in the bargaining unit or certifying a labor organization as the exclusive representative of employees in an appropriate bargaining unit because of a determination by the Board that the labor organization is the historical bargaining representative of employees in the bargaining unit, is a final order (Section 7(d) of the Act). An order of the Board dismissing or

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

granting a petition for clarification of an existing bargaining unit, or dismissing or granting an amendment of certification is a final order.

- d) If no exceptions have been filed within seven fourteen days after the parties' receipt of the Hearing Officer's decision, the parties will be deemed to have waived their exceptions.

- e) In cases removed to the Board pursuant to 80 Ill. Adm. Code 110.100(e) of the Rules of the Board, the Board shall review the record and briefs submitted by the parties and shall issue and serve upon all parties a written decision and order. This decision and order shall include the Board's reasons for its decision.

(Source: Amended at 14 Ill. Reg. 1278, effective January 5, 1990)

SUBPART B: CONTESTED CASES

Section 1105.100 Setting of Contested Case Hearing

- a) Where the Executive Director has issued a complaint on an unfair labor practice charge pursuant to Section 15 of the Act and 80 Ill. Adm. Code 1120.30 or a finding of probable cause with respect to an election objection pursuant to Section 8 of the Act and 80 Ill. Adm. Code 1110.1150, a hearing shall be scheduled. Unfair labor practice charges and election objections having a common nucleus of operative facts shall be consolidated for purposes of hearing.
- b) Complaints will issue or probable cause will be found when the investigation has disclosed adequate credible statements, facts, or documents which, if substantiated, and not rebutted in a hearing, would constitute sufficient evidence to support a finding of a violation of the Act. Issuance of a complaint or finding of probable cause that objectionable conduct occurred by the Executive Director is not a decision that an unfair labor practice or objectionable conduct has in fact occurred.

- c) When such a hearing is necessary, the General-Counsel Chief Hearing Officer shall appoint a Hearing Officer. When the Executive Director issues a Complaint and Notice of Hearing, the parties shall be given and shall give at least seven days' notice of the hearing to the parties. That notice and the complaint or finding of probable cause shall include:

- 1) The name of the Hearing Officer;
- 2) The location, date, and time of the hearing;
- 3) The date upon which the parties shall submit pre-hearing materials as required by Section 1105.110 of this Subpart;
- 3) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- 4) A reference to the particular section of the Act and the rules of the Board involved; and

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- d) 516 A brief statement of the nature of the matters at issue. Motions to intervene or participate in the hearing motions for continuance, and motions to revoke or quash subpoenas shall be directed to the Hearing Officer, or, in the event that a Hearing Officer has not been named, to the General-Counsel Chief Hearing Officer. All such motions or requests must be in writing, must state with specificity the reasons or grounds for the motion, and must be served on all parties simultaneously with their filing with the Hearing Officer or General-Counsel Chief Hearing Officer. Motions that would preclude a hearing, such as a motion to dismiss or to defer, must be filed with the Answer to be timely filed.

- e) Unless otherwise provided in the rules of the Board governing specific types of proceedings, the briefing schedule for all motions shall be as follows:

- 1) Any supporting brief by the moving party shall be filed and served on all other parties simultaneously with the motion.
- 2) Other parties shall have five seven days to file a response and serve that response on all other parties simultaneously with the filing.

- 3) The parties must seek leave of the Hearing Officer to file any additional briefs. The Hearing Officer will allow the filing of additional briefs upon demonstration that material issues which could not have been anticipated have been raised.

- f) Motions for continuances will be granted only for good cause shown, such as the unavoidable absence unavailability of a person essential to the hearing, and only when the continuance will not unduly delay the hearing where that unavailability is due to illness, death or a conflicting commitment such as a previously scheduled court date in another matter. The moving party shall state specifically in the motion the reasons that a continuance is being sought and shall state whether the moving party has discussed the motion with all other parties and whether any other party opposes. The motion must be accompanied by an affidavit. If the moving party has based the motion on the existence of a conflicting commitment, the moving party must state in the affidavit that he or she has unsuccessfully attempted to change the conflicting date. or is unable to do so. If the unavailable person is a witness, the moving party shall state specifically in the affidavit why the evidence or testimony sought to be introduced through that witness cannot be introduced through another witness or other witnesses.

- g) The Executive Director may amend the complaint prior to the hearing upon motion of a party or on the Executive Director's own motion. Grounds for amendment will include newly discovered evidence, inadvertent exclusions and new allegations. The parties shall receive reasonable notice of the amendment, and the Respondent shall have 15 days after the service of the amended complaint, unless waived by the Respondent, within which to file an answer to the amended complaint.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 14 Ill. Reg. 1278, effective January 5, 1990.)

Section 1105.110 Parties

- a) The party filing an unfair labor practice charge or election objection shall be designated the complainant. Any adverse party shall be designated the respondent.
- b) Misnomer of a party shall not be grounds for dismissal; the name of any party may be corrected at any time.
- c) All complaints in contested cases may be amended at any time to conform with the evidence presented in the hearing.

(Source: Amended at 14 Ill. Reg. 1278, effective January 5, 1990.)

Section 1105.120 Authority of Hearing Officer

The Hearing Officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, to maintain order and to ensure development of a clear and complete record. The Hearing Officer shall have all powers necessary to these ends including (but not limited to) the authority to:

- a) Issue orders relating to production of documents;
- b) Rule upon objections to requests for production of documents;
- c) Make such protective orders as justice requires, including (but not limited to) denying, limiting, conditioning or regulating requests for production of documents to prevent unreasonable delay, expense, harassment, or oppression or to protect materials from disclosure by the party obtaining such material;
- d) Hold pre-hearing conferences for settlement, simplification of the issues, or any other related purposes;
- e) Enter, on his own motion or motion of a party, such orders as are just when a party fails to comply with any order entered under 80 Ill. Adm. Code 1100, 80 Ill. Adm. Code 1105, 80 Ill. Adm. Code 1110, 80 Ill. Adm. Code 1120, 80 Ill. Adm. Code 1125, 80 Ill. Adm. Code 1130 and 80 Ill. Adm. Code 1135.
- f) Regulate the course of the hearings proceedings of the contested case and the conduct of the parties and their counsel;
- g) Administer oaths and affirmations or direct the administration of oaths and affirmations by the court reporter transcribing the hearing;
- h) Rule upon offers of proof and receive evidence and rule upon objections to the introduction of evidence;
- i) Examine witnesses and direct witnesses to testify, call or subpoena witnesses not offered by the parties and examine such witnesses;
- j) Establish reasonable time limits and guidelines for opening and closing statements based upon the number and complexity of the issues;
- k) Establish deadlines and limitations for the filing of post-hearing briefs, including (but not limited to) requiring the parties each

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

party to elect between offering closing arguments or submitting post-hearing briefs simultaneously on a date set by the Hearing Officer;

- k) Except as otherwise provided, consider and rule as justice may require upon motions appropriate to an adjudicative proceeding; and
- l) On motion of a party, to amend a complaint before the hearing concludes to conform to the evidence presented in the hearing; and
- k) Issue decisions subject to appeal to the Board.

(Source: Amended at 14 Ill. Reg. 1278, effective January 5, 1990.)

Section 1105.130 Requests for Documents (Repealed)

- a) A party may direct written requests in timely fashion for production of documents and tangible things to any other party, simultaneously serving copies of such requests on all other parties and filing such requests with the Hearing Officer. The party upon whom the request is served shall respond in writing within ten days of receipt stating with respect to each item or category that documents will be produced or that inspection and copying will be permitted or objecting to production and stating the basis of that objection. Such written response shall be filed simultaneously with the hearing officer and served upon all other parties. Any copying of documents shall be at the expense of the party requesting production.
- b) The propounding party may direct a motion to the Hearing Officer objecting to a refusal to produce documents. The Hearing Officer shall review the positions of the parties, rule with respect to the refusal to produce documents, and order production where the documents being sought are relevant, could lead to the discovery of admissible evidence, and production is not overly burdensome in time or expense in relation to the importance of the information being sought to the propounding party's case.
- c) All matters that are privileged against disclosure in civil cases in the courts of Illinois shall be privileged against disclosure through any discovery procedure hereunder.

(Source: Repealed at 14 Ill. Reg. 1278, effective January 5, 1990.)

Section 1105.140 Pre-Hearing Memorandum

- a) The parties shall each file a written pre-hearing memorandum with the Hearing Officer not less than seven days before the hearing. The pre-hearing memorandum, which shall be signed by all parties or their representatives, shall include:
 - i) A statement of all material facts which are uncontested or which

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 5) Complainant's case-in-rebuttal;
 - 6) Complainant's closing argument, which may include legal argument;
 - 7) Respondent's closing argument, which may include legal argument;
 - 8) Complainant's rebuttal argument, which may include legal argument;
 - 9) Presentation and argument of motions regarding removal of the case to the Board pursuant to 80 Ill. Adm. Code 1120.40, where applicable; and
 - 10) A schedule of submission of briefs to the Hearing Officer or Board pursuant to 80 Ill. Adm. Code 1120.40.
- b) The order of the contested case hearing will be modified by the Hearing Officer for good cause shown, such as upon motion of a party demonstrating that such modification is necessary because of the unavailability of a necessary witness or an attorney and that the moving party has not caused or contributed to such unavailability.
- c) The respondent may, at the close of the complainant's case, move for judgment in favor of the respondent. If the ruling on the motion is favorable to the respondent, an order dismissing the action shall be entered. If the ruling on the motion is adverse to the respondent, the respondent may proceed to adduce evidence in support of the respondent's defense.
- d) The hearing record in all contested cases shall include:
- 1) All pleadings (including all notices and responses thereto), motions, briefs, exceptions, and rulings; or decisions by the Hearing Officer;
 - 2) All evidence received by the Hearing Officer;
 - 3) A statement of all matters of which official notice has been taken;
 - 4) Offers of proof, objections, and rulings thereon;
 - 5) Proposed findings of fact and conclusions of law; and
 - 6) Any exceptions.
- 7) Any rulings or decisions by the Hearing Officer, and
- 8) Any ex parte communications prohibited by Section 15 of the Illinois Administrative Procedure Act, (Ill. Rev. Stat. 1987, ch. 127, par. 1015), but such communications shall not form the basis for any finding of fact.
- e) Any findings of fact in decisions issued by the Hearing Officer or Board shall be based exclusively on the evidence in the record and on matters of which official notice has been taken.

(Source: Amended at 14 Ill. Reg. 1278, effective January 5, 1990)

Section 1105.170 Conduct of Hearing

- a) All hearings under this Subpart shall be public.
- b) All witnesses shall be sworn.
- c) All testimony shall be recorded stenographically or by other means

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- are agreed to by all the parties.
- 2) An agreed statement of the contested material facts;
 - 3) A statement of the contested issues of law if any;
 - 4) A list of all exhibits to be offered by each party, and a statement that the parties have exchanged these exhibits, with attached copies of the exhibits marked for identification;
 - 5) Stipulations of the authenticity of any of the exhibits tendered by all other parties, and the status of any of the exhibits as business records;
 - 6) A list of all objections to the admissibility of exhibits stating the grounds for such objections; and
 - 7) A list of proposed witnesses and an estimate of the time that will be required for the direct examination of each of those witnesses.
- b) The parties may submit a joint statement of the uncontested material facts, and individual or joint statements of the contested material facts or contested issues of law with the required portions of the pre-hearing memoranda.
- b) The complainant shall have the responsibility for preparing the first draft of the pre-hearing memorandum.
- c) The Hearing Officer, on his or her own motion, will may waive the filing of the pre-hearing memorandum in whole or in part when he or she finds that such waiver is needed to avoid unnecessary delay of the hearing or an undue burden to a party.
- d) Failure by a party to disclose an exhibit or the identity of a witness shall be grounds for a motion by an opposing party or by the Hearing Officer for exclusion of that exhibit or witness where offered in a party's case-in-chief or, in the alternative, for a continuance to allow the opposing party time to review the exhibit or determine the nature of the witness' testimony and prepare to meet or counter such evidence. Such motions shall be granted only upon a showing that the moving party was surprised and placed at a disadvantage by the failure to disclose in the pre-trial memorandum. Exhibits and witnesses not listed in the pre-hearing memorandum can be presented as rebuttal exhibits and witnesses for rebuttal or impeachment purposes.

(Source: Amended at 14 Ill. Reg. 1278, effective January 5, 1990)

Section 1105.160 Order of Hearing

- a) The following shall be the order of all contested case hearings, subject to modification by the Hearing Officer for good cause:
- 1) Presentation, argument, and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint;
 - 2) Presentation of opening statements;
 - 3) Complainant's case-in-chief;
 - 4) Respondent's case-in-chief;

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

which adequately preserve the record. The parties shall be responsible for obtaining their own copies of the transcript from the reporter. In the event that a party wishes to correct a transcription error in the transcript, the party shall notify the Hearing Officer in writing within seven days of receipt of the transcript and shall simultaneously serve a copy of that notification upon all other parties.

- d) A party tendering an exhibit for identification or admission into evidence shall be responsible for providing the original and three copies of the exhibit to the Hearing Officer and at one copy to each other parties party at the time that the exhibit is tendered.

(Source: Amended at 14 Ill. Reg. 1278, effective January 5, 1990)

Section 1105.220 Decisions and Exceptions

- a) Pursuant to the time-limits-and procedures established in 80 Ill. Adm. Code 1120.40, the Hearing Officer shall issue a recommended decision and give reasons for that decision or shall remove the case to the Board.

- b) In cases in which the Hearing Officer issues a recommended decision, the parties may file exceptions to the Hearing Officer's recommended decision and briefs in support of those exceptions no later than fifteen twenty-one days after the receipt of the recommended decision. Those exceptions and briefs shall be filed with the General Counsel. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. The other parties shall have fifteen twenty-one days from receipt of the exceptions and supporting brief to file a response with the General Counsel. Such response shall be served on all parties and a certificate of service shall be attached. Parties shall file the original and seven copies of their exceptions and supporting brief or response with the General Counsel. The General Counsel shall provide the Board with copies of the exceptions, briefs, and the recommended decision.

- c) The Board shall review the Hearing Officer's decision and any exceptions pursuant to 80 Ill. Adm. Code 1120.50(b) and shall issue and serve upon all parties its decision and order. This written decision and order shall include the Board's reasons for its decision. This decision is a final decision for the purposes of the Administrative Review Law (Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq.).

- d) If no exceptions have been filed within fifteen twenty-one days after the parties' receipt of the Hearing Officer's recommended decision, the parties will be deemed to have waived their exceptions.

- e) In cases removed to the Board pursuant to 80 Ill. Adm. Code

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

1120.40(f), the Board shall review the record and briefs submitted by the parties and shall issue and serve upon all parties a written decision and order. This written decision and order shall include the Board's reasons for its decision.

(Source: Amended at 14 Ill. Reg. 1278, effective January 5, 1990)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Representation Procedures2) Code Citation: 80 Ill. Adm. Code 11103) Section numbers: Adopted Action:

1110.40 Amended
 1110.50 Amended
 1110.60 Amended
 1110.70 Repealed; New Section
 1110.80 Amended
 1110.90 Amended
 1110.100 Amended
 1110.110 Amended
 1110.140 Amended
 1110.150 Amended
 1110.160 Amended
 1110.170 Amended
 1110.180 New Section

4) Statutory Authority:

Implementation and authority by the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, pars. 1701 et seq.

5) Effective Date of Amendments: January 5, 19906) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No8) Date Filed in Agency's Principal Office: January 5, 19909) Notice of Proposal Published in Illinois Register:

February 3, 1989, 13 Ill. Reg. 1357

10) Has JC&R issued a Statement of Objections to this Rule? No11) Differences between Proposed and Final version:

A) The Agency notes the following technical differences between the February 3, 1989 initial proposal and the final version of this Rule. These "technical" differences include

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

corrections for typographical and spelling errors; addition of statutory references; changes suggested by the Secretary of State, including correcting references to this Rule or other Rules, and the Illinois Educational Labor Relations Act; format changes; technical, nonsubstantive changes in Agency procedures; and conforming paragraph numbers. Technical differences between the proposed and final version of this Rule are found in:

- 1) Title
- 2) Section 1110.50(f)(2)
- 3) Section 1110.70(c)
- 4) Section 1110.70(d)
- 5) Section 1110.70 (Source Note)
- 6) Section 1110.80(g)
- 7) Section 1110.100(c)(d)
- 8) Section 1110.160(e)(f)
- 9) Section 1110.180(a)(10)(11)(12).

B) The Agency notes the following differences between the proposed and final versions of this Rule that are of a substantive nature. All agreements between the Agency and the Joint Committee on Administrative Rules are contained in these substantive changes:

- 1) AUTHORITY: Delete the comma after the word "Act".
- 2) Section 1110.40(f): Add the following statutory reference to the Act at the end: "(Section 7(b) of the Act)"; delete the period following existing text and place it after the statutory reference.
- 3) Section 1110.40(g): Add a second dash between the Section numbers "1110.90" and "1110.150".
- 4) Section 1110.50(a)(2): Delete the period following existing text and place it after the statutory reference.
- 5) Section 1110.50(f)(2): Underline the comma following the words "an election" in line two.
- 6) Section 1110.60(b): Delete the following existing text: "However, an employer may respond to employee inquiries by advising the employees to consult the Board."
- 7) Section 1110.70 (existing text): Replace "~~Subsequent~~" with "~~Subsequent~~" in line eleven of 1110.70(a)(3).

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 8) Section 1110.70(a) (proposed text): Add the following statutory reference to the Act to the first sentence: "(Section 7(d) of the Act)."
- 9) Section 1110.70(b): Add the following text at the end of the text: "Unusual circumstances include when the exclusive representative dissolves or becomes defunct; when as a result of a schism, substantially all of the members and officers of the exclusive representative transfer their affiliation to a new local or international; or the size of the bargaining unit fluctuates radically within a short time."
- 10) Section 1110.70(d): Insert a comma after the word "personnel" in line two.
- 11) Section 1110.100(a): Replace "may" in the third sentence (as proposed) with "shall", which is the existing language; add the following at the end of the subsection: "Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely response."
- 12) Section 1110.100(b): Insert a comma after the word "that" in line five.
- 13) Section 1110.100(e): Add "y" after "W" before the label of subsection (e).
- 14) Section 1110.100(f): Add the following text at the end of the second sentence: ", for briefs to be submitted to the Board."
- 15) Section 1110.100(g): Change "the" to "Ithe" in the second line.
- 16) Section 1110.100(h): Add the following text after the first sentence: "Any party to the proceeding may file a response to any exceptions and supporting briefs within fourteen days from receipt of a party's exceptions and supporting brief. Such response shall be filed with the Board and served on all parties."
- 17) Section 1110.100(j): After the words "shall furnish" add the following: "all other parties and"; delete the following existing text: "The Board shall provide copies of the list to the other parties to the election upon request."
- 18) Section 1110.110(a)(2): After the phrase "hours of the election", delete the semi-colon, delete the following text: "and the number of observers

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 19) Section 1110.110(b): Underline the comma following the word "election".
- 20) Section 1110.110(c): After the words "shall furnish the" add the following: "Executive Director and all other parties".
- 21) Section 1110.140(b): Delete "fourteen" and replace with "ten" in line two.
- 22) Section 1110.140(n)(5): Add the following text to the end first sentence: "concerning the application of Sections 2, 7, 8 and 9 of the Act and this Part to the challenged ballots".
- 23) Section 1110.150(d): Delete the phrase "statement of" preceding the "evidence"; enclose "c)".
- 24) Section 1110.150(e)(3): Change "conduct, and;" to "conduct; and,".
- 25) Section 1110.150(f): Replace "statement" with "evidence"; change "Sub-sections" to "subsections".
- 26) Section 1110.150(g): Delete the period following existing text and place it after the statutory reference.
- 27) Section 1110.160(b): Delete "may" from the second sentence and retain the existing text "shall."; add the following text at the end of the subsection: "Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely answer."
- 28) Section 1110.160(c): Delete "if factual issues" and "exist," in the eighth sentence; after the word "and" in the first sentence, add the text indicated in the subsection.
- 29) Section 1110.160(c)(3): After the first sentence, add the text indicated in the second, third and fourth sentences of the text.
- 30) Section 1110.160(c)(4): Delete the comma after "80 Ill. Adm. Code 1105.80(c)" and delete the space between "80" and "(c)".
- 31) Section 1110.170(b): At the beginning the sentence, add the following: "Within three days of receiving the petition,"; change "The" to "fThe."

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 32) Section 1110.180(a)(12): Delete the period following text and place it after the statutory reference.
- 33) Section 1110.180(b): Add the text indicated in subsection b; Section 1110.180(b)(11): delete the period following text and place it after the statutory reference.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: To effectuate the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, pars. 1701 et seq., in a manner consistent with developing legal precedents in the area of representation procedures.
- 16) Information and questions regarding these Adopted Amendments shall be directed to: David A. Youngerman, Chief Hearing Officer, 20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606.

The full text of the Adopted Amendments begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS

CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1110

REPRESENTATION PROCEDURES

Section	General Statement of Purpose
1110.10	Investigations
1110.15	Employee Organizations Seeking Recognition
1110.20	Employer Responses to Recognition Requests
1110.30	Voluntary Recognition Procedures
1110.40	Representation Petitions
1110.50	Decertification Petitions
1110.60	Timeliness of Petitions and Bars to Elections
1110.70	Showing of Interest
1110.80	Posting of Notice
1110.90	Processing of Petitions
1110.100	Consent Elections
1110.110	Bargaining Unit Determinations
1110.120	Eligibility of Voters
1110.130	Conduct of the Election
1110.140	Objections to the Election
1110.150	Petitions for Amendment or Clarification of the Bargaining Unit
1110.160	Petitions to Amend Certification
1110.170	<u>Petitions for Self-Determination</u>
1110.180	

AUTHORITY: Implementing and authorized by the Illinois Educational Labor Relations Act (Ill. Rev. Stat. 1987, ch. 48, par. 1701 et seq.)

SOURCE: Emergency rules adopted at 8 Ill. Reg. 4526, effective March 26, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 16300, effective August 27, 1984; amended at 14 Ill. Reg. 1297, effective January 5, 1990.

Section 1110.40 Voluntary Recognition Procedures

- a) Voluntary recognition procedures may not be used under the following circumstances:
- 1) whenever an employee organization has lawfully attained representation rights as the exclusive representative of the employees in the bargaining unit;
 - 2) whenever there has been a valid representation election within the preceding twelve months;
 - 3) whenever the proposed bargaining unit would include both professional and nonprofessional employees.
- b) Whenever an employer or a party intends to use the voluntary recognition procedures, the employer or party shall notify the Board of its intent. The notification shall be on a form developed by the Board and shall

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

include:

- 1) the name and address of the employer;
 - 2) the name, address, and affiliation, if any, of the employee organization to be recognized;
 - 3) a description of the proposed bargaining unit;
 - 4) the approximate number of employees in the proposed bargaining unit;
 - 5) the reasons why the employer believes that the employee organization appears to represent a majority of the employees;
 - 6) the date on which the employer posted or intends to post the voluntary recognition notice; and
 - 7) a copy of the voluntary recognition notice that has been or will be posted.
- c) The employer must post the voluntary recognition notice on the date specified in the notification filed with the Board on bulletin boards and other places where notices for employees in the bargaining unit are customarily placed. The notice must be on a form developed by the Board, and must contain the following:
- 1) a statement that, subject to Board certification, the employer intends to recognize the employee organization if no competing claims of representation are filed with the Board;
 - 2) the name and affiliation, if any, of the employee organization to be recognized;
 - 3) a description of the proposed bargaining unit;
 - 4) the date of posting; and
 - 5) the date by which a competing claim of representation must be filed with the Board, which is the date that the posting period is scheduled to terminate.
- d) The notice shall remain posted for a period of at least 20 school days. For purposes of computing the 20-day period, a school day shall not include weekends, days on which holidays are recognized, or any day on which a significant portion of the regularly scheduled work force in the bargaining unit is not scheduled to work. The employer shall attempt to insure that the notice is not removed or defaced and shall replace any notice which is removed or defaced.
- e) During the posting period, any competing employee organization may file a petition with the Board. Prior to, or simultaneously with, its filing with the Board, the petition shall also be served on the employer and the employee organization that was to have been voluntarily recognized. The petition shall be on a form developed by the Board and shall contain:
- 1) the name, address, and affiliation, if any, of the employee organization;
 - 2) the names of the employer and employee organization that the employer intends to voluntarily recognize;
 - 3) a description of the proposed bargaining unit;
 - 4) the date the voluntary recognition notice was posted; and
 - 5) the date the posting period is scheduled to terminate.
- f) A competing employee organization's petition must be supported by a

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

showing of interest by at least 15 percent of the employees in an appropriate bargaining unit which includes all or some of the employees in the unit intended to be recognized. (Section 7(b) of the Act).

- g) Upon the filing of a competing employee organization's petition, the Board shall treat the notification of intent to use the voluntary recognition proceedings as a representation proceeding. The Board shall proceed in accordance with Section 7(c) of the Act and Sections 1110.90 -- 1110.150 of this Part.
- h) If no competing employee organization petitions have been filed with the Board by the termination of the posting period, the employer shall file with the Board a request for voluntary recognition certification. The request shall be on a form developed by the Board. The request shall be signed and shall contain the following:
- 1) the name and address of the employer;
 - 2) the name, address, and affiliation, if any, of the employee organization;
 - 3) a description of the proposed bargaining unit;
 - 4) the number of employees in the proposed bargaining unit;
 - 5) the dates and locations of the posting of the voluntary recognition notice;
 - 6) a statement that the notice was not removed or defaced during the posting period; and
 - 7) a statement describing why the employer is satisfied that the employee organization represents the majority of the employees in the bargaining unit.
- i) The petition must be supported by objective evidence that a majority of the employees in the bargaining unit wish to be represented by the employee organization.
- 1) If authorization cards are offered as evidence, those cards that would not qualify as evidence in support of a representation petition, pursuant to Section 1110.80(c) and (d) of this Part, will not be considered sufficient evidence of majority status.
 - 2) If employees signing such authorization cards have also signed cards authorizing other employee organizations to represent them, those cards will not be considered sufficient evidence of majority status.
- j) The Board will investigate the voluntary recognition request:
- 1) If the Board concludes that the employee organization represents a majority of the employees in the bargaining unit, and that the petition is otherwise consistent with the Act and this Part, the Board shall certify the employee organization as the exclusive representative of the employees.
 - 2) If the Board determines that there is insufficient evidence to support the claim of majority status, or that the petition otherwise contravenes the Act or this Part, the Board shall dismiss the petition without prejudice to the filing of a representation petition by either the employer or the employee organization.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

k) If, at the end of the posting period, the employer is no longer satisfied that the employee organization has demonstrated majority status, the employer shall petition the Board to withdraw the voluntary recognition request. Such withdrawal shall be without prejudice to the filing of a representation petition by either the employer or the employee organization.

(Source: Amended at 14 Ill. Reg. 1297, effective January 5, 1990)

Section 1110.50 Representation Petitions

a) A representation petition may be filed by:

- 1) an employee, a group of employees, or an employee organization; or
- 2) an employer alleging that one or more labor organizations have presented a claim to be recognized as an exclusive bargaining representative of a majority of the employees in an appropriate unit and that it doubts the majority status of any of the organizations or that it doubts the majority status of an exclusive bargaining representative (Section 7(c)(2) of the Act).

b) Representation petitions shall be signed by a representative of the petitioning party and shall contain:

- 1) the name and address of the employer;
 - 2) the name, address, and affiliation, if any, of the employee organization;
 - 3) a description of the proposed bargaining unit which petitioner claims to be appropriate;
 - 4) the approximate number of employees in the proposed bargaining unit;
 - 5) the name of any existing exclusive representative of any employees in the proposed bargaining unit;
 - 6) a brief description of any collective bargaining agreements covering any employees in the proposed bargaining unit, and the expiration dates of the agreements;
 - 7) the date that the employer recognized any existing exclusive representative of any employees in the proposed bargaining unit, and the method of recognition;
 - 8) election and/or recognition history prior to January 1, 1984, to the extent known; and
 - 9) in the case of a petition filed by an employer, a statement that one or more employee organizations has demanded recognition and that the employer doubts either their majority status or the continued majority status of the existing representative.
- c) The Board shall serve the representation petition ~~shall be served on the appropriate parties, prior-to-or-simultaneously-with-its-filing with-the-Board-as-follows:~~
- 1) Employer petitions shall be served on the employee organizations

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

that demanded recognition, and on the existing exclusive representative, if any.

2) Employee and employee organization petitions shall be served on the employer and on the existing exclusive representative, if any.

d) Employee and employee organization petitions shall be accompanied by a showing of interest that at least 30 percent of the employees in the petitioned for bargaining unit wish to be represented by the employee organization.

e) A petition may seek joint representation by two or more employee organizations if an instrument, such as a joint council, has been established to effectuate the joint representation. In such instances, the petition shall describe the instrument.

f) An employee-organization petitioner may withdraw its representation petition as follows:

- 1) If there are no intervenors, at any time prior to the direction of an election.
- 2) If there are no intervenors, at any time after the direction of an election, but prior to the election. However, such withdrawal shall bar the employee-organization petitioner from petitioning for an election in a bargaining unit covering all or part of the petitioned for unit for one year following the withdrawal.
- 3) If there are intervenors, the employee organization may not withdraw its petition without the consent of all parties. However, the employee organization may file a statement signed by its authorized representative that it no longer wishes to appear on the ballot. The statement shall be filed no later than ten days prior to the election. Upon receipt of such a statement, the Board shall strike the employee organization's name from the ballot.

g) Failure to complete the petition by listing all of the information contained in subsection (b) of this Part shall not be grounds for dismissal of the petition so long as the unlisted information is available from any other party. The petition may be revised by the filing party at any time prior to a hearing or agreement to a consent election. Notice of any revision shall be served upon all other parties.

(Source: Amended at 14 Ill. Reg. 1297, effective January 5, 1990)

Section 1110.60 Decertification Petitions

a) A petition to decertify an existing exclusive representative may be filed by an employee or group of employees. The Board petition shall be served on the serve the petition on the exclusive representative and on the employer prior-to-or-simultaneously-with-its-filing-with-the-Board. The petition shall be on a form developed by the Board. It shall be signed and shall contain the following:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 1) the name and address of the petitioner;
 - 2) the name, address, and affiliation, if any, of the exclusive representative;
 - 3) the name and address of the employer;
 - 4) a description of the bargaining unit;
 - 5) the approximate number of employees in the bargaining unit;
 - 6) the date that the exclusive representative was recognized and the method of recognition, if known; and
 - 7) a brief description of any collective bargaining agreements covering any employees in the bargaining unit, and the expiration dates of the agreements.
- b) An employer shall not instigate or lend support to a decertification petition. However, an employer may respond to employee inquiries by advising the employees to consult the Board. Allegations that an employer has violated this subsection may be raised in motions to dismiss the decertification petition, objections to the decertification election, or unfair labor practice charges.

(Source: Amended at 14 Ill. Reg. 1297, effective January 5, 1990.)

Section 1110.70 Timeliness of Petitions and Bars to Elections

- a) With respect to bargaining units containing professional instructional personnel, representation and decertification petitions may not be filed:
 - 1) within nine months following the date of Board certification as a result of voluntary recognition or representation election of an exclusive representative for all or some of the employees in the bargaining unit, provided that no election shall be held within 12 months following the date of such certification;
 - 2) the results of an election in which no representative was selected, provided that no election shall be held within 12 months following the date of such certification; or
 - 3) whenever there is in effect a collective bargaining agreement of three years or shorter duration covering all or some of the employees in the bargaining unit, collective bargaining agreements of longer than three years duration shall serve as a bar for the first three years of their existence in all cases, representation and decertification petitions may be filed between January 15 and March 1 of the year in which the collective bargaining agreement is due to expire or in the third year of an agreement of more than three years duration. However, no such petition may be filed if it would otherwise be barred by subsections (a)(1) or (a)(2) of this section.
- b) With respect to bargaining units not containing professional instructional personnel, representation and decertification petitions may not be filed:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 1) within 12 months following a valid Board conducted election among all or some of the employees in the bargaining unit, the 12 month period shall run from the date on which the Board certifies the results of the election;
 - 2) within 12 months following voluntary recognition and Board certification of an exclusive representative of all or some of the employees in the bargaining unit, or
 - 3) whenever there is in effect a collective bargaining agreement of three years or shorter duration covering all or some of the employees in the bargaining unit, collective bargaining agreements of longer than three years duration shall serve as a bar for the first three years of their existence in all cases, representation and decertification petitions may be filed between 90 days and 45 days prior to the expiration date of a collective bargaining agreement of three years duration or less or any time after 90 days prior to the end of the third year of an agreement of more than three years duration.
- e) A collective bargaining agreement shall not be the filing of a representation or decertification petition if the agreement is between an employer and an employee organization recognized by the employer after the effective date of this Part without having used the voluntary recognition or representation election procedures specified in the Act and this Part.
- a) Election bar: With respect to any bargaining unit, no election may be conducted in a bargaining unit, or subdivision thereof, in which a valid election has been held within the preceding 12 month period (Section 7(d) of the Act). However, representation and decertification petitions filed within the last three months of the 12 month period will be processed, and any resulting election will be held after the 12 month period has elapsed. Representation and decertification petitions filed in the first 9 months of the 12 month period will be dismissed.
 - b) Certification bar: With respect to any bargaining unit, absent unusual circumstances the Board will dismiss a representation or decertification petition filed within 12 months following the date of Board certification of an exclusive representative for all or some of the employees in the bargaining unit, as a result of voluntary certification or representation election. Unusual circumstances include when the exclusive representative dissolves or becomes defunct; when as a result of a schism, substantially all of the members and officers of the exclusive representative transfer their affiliation to a new local or international; or the size of the bargaining unit fluctuates radically within a short time.
 - c) With respect to petitions with proposed bargaining units containing professional instructional personnel, representation and decertification petitions may not be filed whenever there is in effect a collective bargaining agreement of three years or shorter duration covering all or some of the employees in the bargaining unit. Collective bargaining agreements of longer than three years duration

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

shall serve as a bar for the first three years of their existence. In all cases, representation and decertification petitions may be filed between January 15 and March 1 of the year in which the collective bargaining agreement is due to expire or in the third year of an agreement of more than three years duration. However, no such petition may be filed if it would otherwise be barred by subsections (a) or (b) of this Section.

d) With respect to petitions with proposed bargaining units not containing professional instructional personnel, representation and decertification petitions may not be filed whenever there is in effect a collective bargaining agreement of three years or shorter duration covering all or some of the employees in the bargaining unit. Collective bargaining agreements of longer than three years duration shall serve as a bar for the first three years of their existence. In all cases, representation and decertification petitions may be filed between 90 days and 45 days prior to the expiration date of a collective bargaining agreement of three years duration or less, or any time after 90 days prior to the end of the third year of an agreement of more than three years duration.

e) A collective bargaining agreement shall not bar the filing of a representation or decertification petition if the agreement is between an employer and an employee organization recognized by the employer after the effective date of this Part without having used the voluntary recognition or representation election procedures specified in the Act and this Part.

(Source: Section repealed, new Section adopted at 14 Ill. Reg. 1297, effective January 5, 1990)

Section 1110.80 Showing of Interest

a) Representation petitions filed by employees, groups of employees and employee organizations, and all decertification petitions must be accompanied by a 30 percent showing of interest.

1) The showing of interest in support of a representation petition shall consist of authorization cards, petitions, or other evidence which demonstrates that at least 30 percent of the employees in the proposed bargaining unit desire to be represented for collective bargaining.

2) The showing of interest in support of a decertification petition shall consist only of cards or petitions clearly stating that the employee does not want the incumbent employee organization to continue serving as exclusive representative.

b) A petition to intervene in an election must be supported by a 15 percent showing of interest when the petition proposes a bargaining unit substantially similar to the originally proposed unit. When the intervenor proposes a bargaining unit substantially different from the originally proposed unit, the petition must be supported by a 30 percent showing of interest. In determining whether the proposed

bargaining units are substantially similar, the Board will consider the number and type of employees included in each of the proposed units. The proposed units will not be considered substantially similar whenever less than 50 percent of the employees in the originally proposed unit are included in the unit proposed by the intervenor. An incumbent exclusive representative shall automatically be allowed to intervene without submitting any showing of interest.

c) If authorization cards or petitions are submitted as a showing of interest, each signature appearing thereon should be dated by the employee.

d) Each signature appearing on an authorization card or petition shall be effective for six months from the date it was given.

e) Whenever an employee has signed authorization cards or petitions for two or more employee organizations, each card or petition shall be counted in computing the required showing of interest.

f) The Board shall maintain the confidentiality of the showing of interest. The evidence submitted in support of the showing of interest shall not be furnished to any of the parties.

g) The Board or its designated agent. The Executive Director will determine whether the evidence submitted demonstrates the appropriate level of showing of interest pursuant to subsections (a) and (b) of this section. The showing of interest shall not be subject to collateral attack and shall not be an issue at hearing. However, any person who has evidence that the showing of interest was fraudulent or was obtained through misrepresentation or coercion may bring the evidence to the attention of the Board's agent investigating the petition.

h) If the Executive Director determines that the evidence submitted does not demonstrate the appropriate level of showing of interest, the petitioner or intervenor shall have 48 hours to provide the necessary showing of interest to the Executive Director. If the petitioner or intervenor is unable to present any necessary additional evidence of showing of interest within that time, then the petition shall be subject to dismissal.

(Source: Amended at 14 Ill. Reg. 1297, effective January 5, 1990)

Section 1110.90 Posting of Notice

Following the filing of a representation or decertification petition, the Board shall provide the employer with a notice which shall be posted on bulletin boards and other places where notices for employees in the bargaining unit are customarily posted, or in conspicuous places in the absence of a customary posting location.

(Source: Amended at 14 Ill. Reg. 1297, effective January 5, 1990)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Section 110.100 Processing of Petitions

- a) All parties served with a representation or decertification petition shall file a response to the petition within seven days of service. The response shall set forth the party's position with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit. A party that fails to file a timely response without good cause shall be deemed to have waived its right to a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely response.
- b) Upon receipt of the petition, the Board or its agent shall investigate the petition. If the investigation discloses that there is no reasonable cause to suspect that a question of representation exists, as defined in Section 7(c)(1) or (2) of the Act, the petition will be dismissed; provided that the dismissal may be appealed within fourteen days to the Board. If the investigation discloses that there is reasonable cause to suspect that a question of representation exists, as defined in Section 7(c)(1) or (2) of the Act, the Board will set the matter will be set for hearing before a hearing officer. All parties shall be given a minimum of five seven days notice of the hearing.
- e) A hearing will be held when there are unresolved issues regarding the composition of an appropriate bargaining unit, the compliance of the parties with the requirements of the Act and this Part, or any other unresolved issues directly related to the holding of an election.
- d) Petitions to intervene may be filed with the Board no later than 14 days prior to the date set for the election. However, any intervenor who files after the date set for hearing, or if no hearing is held, after the approval of a consent election agreement or the direction of an election pursuant to subsection (j) of this section, shall have waived objections to the bargaining unit.
- e) Interested persons who wish to participate in the hearing shall direct such requests to the hearing officer. The request shall be in writing and shall state the grounds for participation. In determining whether to grant the request, the hearing officer shall base his decision on the timeliness of the request, the degree to which the person requesting participation has a real interest at stake, the ability of the parties to represent the interests of the person requesting participation and the complexity of the proceeding.
- f) The Board will encourage hearing officers to schedule voluntary prehearing conferences with the parties when it appears that such conferences will aid in narrowing or resolving issues.
- g) The hearing shall be non-adversarial in nature. All parties may present evidence and make arguments, subject to the control of the hearing officer.
- h) The hearing officer shall obtain a full and complete evidentiary record by inquiring fully into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the hearing officer. Within seven days after the close of the record, the hearing officer shall rule on the motions. The hearing officer may also order the case removed to the Board on his own motion within seven days after the close of the record. If the hearing officer orders a case removed, he shall certify that there are no determinative issues of fact that require a hearing officer's recommended decision.
- f) Within seven days after removal, a party may move the Board to remand the case to the hearing officer, identifying in detail the material factual issues in dispute. If the Board fails to rule on the motion within 14 days, the motion will be deemed denied; the General Counsel will set a briefing schedule for briefs to be submitted to the Board. In cases removed to the Board, the Board shall remand the case if, at any time, it determines that the case presents issues of material fact requiring a hearing officer's recommended decision.
 - h) g) In cases not removed to the Board, and in cases remanded to the hearing officer, the hearing officer shall file and serve on the parties a recommended decision within 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time is required due to the length of the record and the complexity of the issues involved. Such additional time shall not exceed 90 days.
 - i) Parties may file exceptions to the hearing officer's recommendation and briefs in support of those exceptions no later than seven fourteen days after receipt of the recommendation. Any party to the proceeding may file a response to any exceptions and supporting briefs within fourteen days from receipt of a party's exceptions and supporting brief. Such response shall be filed with the Board and served on all parties. If no exceptions have been filed within the seven fourteen-day period, the parties will be deemed to have waived their exceptions.
 - j) i) The Board will review the hearing officer's recommendation upon request by a party or on its own motion. The Board shall accept a party's or none of the recommendation to the extent that the recommendation is consistent with the Act and this Part. If the Board determines that a question concerning representation exists, as defined in Section 7(c)(1) or (2) of the Act, the Board shall direct the holding of an election on a date and at a time determined by the Board. The Board shall direct that an election be held and a notice of election be posted. The holding of an election on a date and at a time determined by the Board shall not set an election shall not be held on for a date on which a substantial portion of the regularly scheduled work force in the bargaining unit is not scheduled to work.
 - k) j) Within five seven days following the Board's direction of an election, the employer shall furnish all other parties and the Board Executive Director with a list of the names and addresses of the

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

employees eligible to vote in the election. The Board shall provide copies of the list to the other parties to the election upon request.

(Source: Amended at 14 Ill. Reg. 1297, effective January 5, 1990)

Section 1110.110 Consent Elections

a) Where the parties agree to the holding of an election, a stipulation for a consent election shall be filed as follows:

1) The stipulation must be signed by the petitioner, the employer, the employee organization seeking to represent the employees, and any intervenor that has filed a timely petition.

2) The stipulation must specify the bargaining unit; the eligibility date for participation in the election; the date, place, and hours of the election; and the number of observers allowed to each party.

b) A notice of the stipulation shall be posted in accordance with Section 1110.90 of this Part.

c) All consent elections shall be conducted under the direction and supervision of the Board. Upon receipt of a stipulation for a consent election, the Board shall review the stipulation. If the Board determines that the stipulation is consistent with the Act and this Part, the Board shall direct the holding of the consent election.

d) Within five seven days following the Board's approval of the consent election agreement, the employer shall furnish the Board Executive Director and all other parties with a list of the names and addresses of the employees eligible to vote in the election. The Board shall provide copies of the list to the other parties to the election proceeding upon request.

(Source: Amended at 14 Ill. Reg. 1297, effective January 5, 1990)

Section 1110.140 Conduct of the Election

a) The election shall be conducted under the supervision of the Board. Voting shall be by secret ballot.

b) ~~Mail~~ Absentee ballots will be allowed only where an individual submits a written request to the Board no later than ten days prior to the election and demonstrates in that request that he is not able to be physically present at the polling place at the time for which the election is scheduled and therefore would be unable to cast a ballot. The request must set forth the grounds factual basis for the claim. Where inconvenience to the individual shall not be cause for the issuance of an absentee ballot.

c) Each party shall be entitled to an equal number of observers as determined by the Board or its agent. The number of observers allowed shall be based on the number of polling locations and the number of

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

eligible voters. The identity and conduct of observers are subject to such limitations as the Board or its agent shall prescribe in order to insure that voters are free from interference, coercion, or intimidation.

d) The Board's agent shall is authorized to prescribe the area in proximity to the polling place in which electioneering shall be prohibited. The specified area shall be based on the size and nature of the specific polling place.

e) Ballots shall list all employee organizations that properly petitioned or intervened in the election, the incumbent exclusive representative, and the choice of "No Representative".

f) Where an election involves a bargaining unit that includes craft employees, and there has been a proper petition for a separate craft unit, craft employees shall be given two ballots: one to vote for or against craft severance and a second to vote on choice of representative. Noncraft employees shall only be given ballots for voting on choice of representative.

g) Where an election involves a bargaining unit containing professional and nonprofessional employees, all employees shall be given two ballots: one for indicating whether they desire a combined professional--nonprofessional unit and a second for indicating choice of representative.

h) Ballot boxes shall be examined in the presence of the observers immediately prior to the opening of the polls and shall be sealed at the opening of the polls. The seal shall allow for one opening on the top of the ballot box for voters to insert their ballots.

i) The Board's agent or any authorized observer may question the identity of any voter. A voter whose identity has been questioned may establish his identity by showing a driver's license or any other equally reliable piece of identification. Challenged voters shall be permitted to vote in secret with their ballots set aside by the Board's agent with appropriate markings.

j) A voter shall mark a cross (X) or check (✓) in the circle or block designating his choice in the election. The intent of the voter shall be followed in the marking of the ballot. If the ballot is defaced, torn, marked in such a manner that it is not understandable, or identifies the voter, the ballot shall be declared void. If the voter inadvertently spoils a ballot, he may return it to the Board's agent who shall give the voter another ballot and shall preserve the spoiled ballot.

k) A voter shall fold his ballot so that no part of its face is exposed and, on leaving the voting booth, shall deposit the ballot in the ballot box. If the election is continued for more than one period, the ballot box shall be sealed until the subsequent opening of the polls and shall remain in the custody of the Board's agent until the counting of the ballots.

l) The Board's agent may privately assist any voter who, due to physical or other disability, is unable to mark his ballot.

m) Prior to the close of the polls, each party shall designate a

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

n) representative to observe the tallying of the ballots. Immediately upon the conclusion of the polling, the votes shall be tallied as follows:

1) The Board's agent shall attempt to achieve a voluntary resolution of all ballot challenges before the ballots are counted.

2) If there was only one polling location, the Board's agent shall tally the votes in the presence of a representative designated by each party and shall serve a written tally on each of the representatives.

3) If there was more than one polling location, the Board's agent shall seal the ballot boxes and bring them to a predetermined central location. When all the ballot boxes have arrived, they shall be opened, the ballots shall be commingled, and the votes shall be tallied in the presence of a representative designated by each party. The Board's agent shall serve a written tally on each of the representatives.

4) The Board's agent shall count the number of challenged ballots separately. If the challenged ballots cannot affect the outcome of the election, the challenges will not be resolved. If the challenged ballots could affect the outcome of the election, the Board's agent shall again attempt to achieve a voluntary resolution of all the challenges.

5) If challenges to ballots have not been resolved, and if the challenges could affect the outcome of the election, the Board will treat the challenges in the same manner as objections to the election. Challenged ballots shall be investigated by the Executive Director, who shall issue a recommended decision concerning the application of Sections 2, 7, 8 and 9 of the Act and this Part to the challenged ballots. Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. Such responses shall be filed with the Board and served on all parties. If no exceptions have been filed within the 14 day period, the parties will be deemed to have waived their exceptions. The Board will review the Executive Director's recommendation upon request by a party or on its own motion.

6) When the election includes a vote on craft severance, the craft employee ballots on craft severance shall be tallied first. If a majority of the craft employees casting valid ballots choose craft severance, the craft and noncraft ballots on choice of representative shall be tallied separately. If a majority of the craft employees casting valid ballots do not choose craft severance, the ballots on choice of representative shall be tallied together.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

7) When the election includes a vote on a combined professional--nonprofessional unit, the ballots on unit preference shall be tallied first. Separate tallies shall be made for professional and nonprofessional employees.

8) If a majority of the employees casting valid ballots in each group vote for a combined unit, the ballots on choice of representative shall be tallied together. If a combined unit fails to receive a majority vote in either or both groups, the ballots on choice of representative shall be tallied separately.

9) In all cases, the recipient of a majority of the valid ballots cast by those voting shall prevail.

10) When there are three or more choices on the ballot (two or more employee organizations and "No Representative") and no choice receives a majority, the Board shall conduct a runoff election between the two choices that received the most votes. The results of votes taken during the first election on craft severance and combined professional--nonprofessional units shall be binding on the runoff election.

11) Where there are three or more choices on the ballot, and either of the vote is split equally among all of the choices, or there is a tie for second place, the Board shall declare the election inconclusive and shall order a new election. The results of the craft severance and combined professional--nonprofessional unit votes in the first election shall be binding on the rerun election.

12) The Board shall preserve all ballots until such time as any objections to the election have been resolved and the results have been certified and served on the parties.

(Source: Amended at 14 Ill. Reg. 1297, effective January 5, 1990)

Section 1110.150 Objections to the Election

a) Any party to the election may file objections with the Board alleging that improper conduct occurred which affected the outcome of the election (Section 8 of the Act).

b) Objections must be received by the Board no later than five working days after the final tally was served on the representatives. For purposes of this rule, a working day is any day on which the Board offices are open for business. Pending challenges to ballots shall not stay the time for filing objections.

c) The objecting party shall furnish evidence to the Executive Director sufficient to provide a prima facie case in support of the objections before any investigation commences.

d) The evidence described above in paragraph (c) (except for affidavits) must also be served simultaneously on all parties involved in the

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

e) matter and proof of service must be provided to the Board. The evidence for each objection filed must include the following facts:

- 1) The date on which the alleged improper conduct took place;
 - 2) The location at which the alleged misconduct took place;
 - 3) The name and job title of the person who allegedly engaged in the improper conduct; and,
 - 4) A statement or description of the alleged improper conduct.
- f) Failure to provide the evidence described above in subsections (c), (d), and (e) within five working days after filing the objections shall subject the objections to dismissal.
- g) The Board shall promptly investigate the allegations, and if it finds probable cause that improper conduct occurred and could have affected the outcome of the election, it shall set a hearing on the matter on a date falling within two weeks of when it received the objections. If it determines, after hearing, that the outcome of the election was affected by improper conduct, it shall order a new election and shall order corrective action which it considers necessary to insure the fairness of the new election. If it determines upon investigation that the alleged improper conduct did not take place or that it did not affect the outcome of the election, it shall promptly certify the election results. (Section 8 of the Act).

(Source: Amended at 14 Ill. Reg. 1297, effective January 5, 1990)

Section 110.160 Petitions for Amendment or Clarification of the Bargaining Unit

- a) An exclusive representative or an employer may file a petition to clarify or amend an existing bargaining unit. The petition Board shall be served serve the petition on the other party prior to or simultaneously with its filing with the Board. The petition shall be signed and shall contain the following:
 - 1) the name and address of the employer;
 - 2) the name, address, and affiliation, if any, of the exclusive representative;
 - 3) a description of the existing bargaining unit; and
 - 4) the nature of the proposed amendment or clarification and the reasons therefor.
- b) The respondent exclusive representative or employer may file an answer to the petition within 15 days following service of the petition. Failure to answer without good cause shall be deemed a waiver of objections to the petition and a waiver of a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely answer.
- c) The Board Executive Director or its his agent shall investigate the

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

petition and, if the petition does not present unresolved questions of material fact, the Executive Director shall then issue a Recommended Decision and Order. Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. Such response shall be filed with the Board and served on all parties. If no exceptions have been filed within the 14 day period, the parties will be deemed to have waived their exceptions. The Board will review the Executive Director's recommendation upon request by a party or on its own motion. If the petition presents unresolved questions of material fact, the Executive Director shall if--factuai--issues--or issues-of-representation-exist set it for a hearing.

- 1) Interested persons desiring to intervene in the hearing shall submit a written request to the hearing officer. The hearing officer shall base his decision on whether to allow intervention upon the timeliness of the request, the degree to which the person requesting intervention has a real interest at stake, the ability of the parties to represent the interests of the person requesting intervention, and the complexity of the proceeding.
- 2) The Board will encourage hearing officers to schedule--voluntary conferences--with the parties when it appears that such conferences will aid in narrowing or resolving the issues.
- 3) The hearing officer shall inquire fully into all matters in dispute and shall obtain a full and complete record. Within fourteen days following the close of the hearing, the hearing officer shall file and serve upon the parties a recommended disposition of the matter.
- 4) Parties may file exceptions to the hearing officer's recommendations and briefs in support of their exceptions within seven fourteen days after filing receipt of the recommendation. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. Such response shall be filed with the Board and served on all parties. If no exceptions have been filed within the seven fourteen-day period, the parties will be deemed to have waived their exceptions.
- 5) The Board will review the hearing officer's recommendation upon request of a party if a party has filed exceptions pursuant to Section 1105.80(b), or on its the Board's own motion. The Board shall adopt a party or none of the recommendation to the extent that the recommendation is consistent with the Act and this Part. The Board will issue its decision in accordance with 80 Ill. Adm. Code 1105.80(c) and (e).

NOTICE OF ADOPTED AMENDMENT(S)

- d) The parties may amend or clarify the composition of the bargaining unit by stipulation. The stipulation shall be filed with the Board. A notice of the stipulation shall be posted on bulletin boards and at other places where notices for employees in the bargaining unit are customarily posted. The notice shall advise employees of the terms of the stipulation and direct persons objecting to the stipulation to file objections with the Board. The notice shall remain posted for at least 20 school days. The employer shall attempt to insure that the notice is not removed or defaced during the posting period and shall replace any notice which is removed or defaced.
- e) During the posting period, interested parties may file objections with the Board. Objections shall be served on the employer and the exclusive representative prior to, or simultaneously with, their filing with the Board.
- f) Following the posting period, if no objections have been filed, the Board shall approve or disapprove the amendment or clarification depending upon whether the amendment or clarification is consistent with the Act. If no objections have been filed, the Board shall proceed in accordance with subsection 110.169(c) of this Part.

(Source: Amended at 14 Ill. Reg. 1297, effective January 5, 1990.)

Section 110.170 Petitions to Amend Certification

- a) An exclusive representative shall file a petition with the Board to amend its certification whenever there is a change in its name or structure. The petition shall be served on the employer, prior to or simultaneously with its filing with the Board. The petition shall be signed and shall contain:
- 1) the name and address of the employer;
 - 2) the name, address, and affiliation, if any, of the exclusive representative, as certified by the Board;
 - 3) a description of the proposed amendment; and
 - 4) the reasons for the proposed amendment.
- b) Within three days of receiving the petition, the employer shall post a notice of the proposed amendment in accordance with Section 110.160(d) of this Part.
- c) Interested persons, including the employer, may file objections to the proposed amendment with the Board during the posting period. Objections shall be served on the exclusive representative prior to, or simultaneously with, filing with the Board.
- d) If, at the conclusion of the posting period, no objections have been filed, the Board may approve or disapprove the amendment or take any other action on it necessary to effectuate the purposes of the Act.
- e) If objections have been filed during the posting period, the Board shall proceed in accordance with Section 110.160(c) of this Part.

(Source: Amended at 14 Ill. Reg. 1297, effective

NOTICE OF ADOPTED AMENDMENT(S)

January 5, 1990.)

Section 110.180 Petitions for Self-Determination

- a) A self-determination petition to add unrepresented employees to an existing bargaining unit, where a question concerning representation would be presented by their inclusion, may be filed by an employee, a group of employees, or exclusive representative of the existing bargaining unit. The Board shall serve the petition on the appropriate parties. The petition shall be on a form developed by the Board. It shall be signed and shall contain the following:
- 1) the name and address of the petitioner;
 - 2) the name, address and affiliation, if any, of the exclusive representative;
 - 3) the name and address of the employer;
 - 4) a description of the bargaining unit;
 - 5) the approximate number of employees in the bargaining unit;
 - 6) a description of the employees who would be added to the existing unit;
 - 7) the approximate number of employees who would be added;
 - 8) the date that the exclusive representative was recognized and the method of recognition, if known; and
 - 9) a brief description of any collective bargaining agreements covering any employees in the bargaining unit, and the expiration dates of the agreements.
- 10) The self-determination petition shall be accompanied by a showing of interest that at least 30 percent of the employees sought to be added to the existing unit wish to be represented by the exclusive representative.
- 11) In any election conducted pursuant to this Part, only those employees that the petition seeks to add to the unit shall vote on the question of representation.
- 12) No unit will include both professional employees and nonprofessional employees unless a majority of employees in each group vote for inclusion in the unit (Section 7 of the Act).
- b) A petition to merge two or more existing bargaining units, where a question concerning representation would not be presented by their inclusion, may be filed by an employee, a group of employees, or exclusive representative of either existing bargaining unit. The Board shall serve the petition on the appropriate parties. The petition shall be on a form developed by the Board. It shall be signed and shall contain the following:
- 1) the name and address of the petitioner;
 - 2) the name, address and affiliation, if any, of the exclusive representative;
 - 3) the name and address of the employer;
 - 4) a description of the proposed bargaining unit;
 - 5) the approximate number of employees in the proposed bargaining unit;

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 6) a description of the employees in each of the existing units;
 7) the approximate number of employees who would be added in each existing unit;
 8) the date that the exclusive representative was recognized and the method of recognition, if known, and;
 9) a brief description of any collective bargaining agreements covering any employees in the bargaining units, and the expiration dates of the agreements.
- 10) In any election conducted pursuant to this Part, employees shall vote only on the question of unit merger.
- 11) No unit will include both professional employees and nonprofessional employees unless a majority of employees in each group vote for inclusion in that unit (Section 7 of the Act).

(Source: Added at 14 Ill. Reg. 1297, effective January 5, 1990)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Unfair Labor Practice Proceedings
- 2) Code Citation: 80 Ill. Adm. Code 1120
- 3) Section numbers: Adopted Action:
 1120.20 Amended
 1120.30 Amended
 1120.40 Amended
 1120.50 Amended
 1120.60 Amended
 1120.70 New
- 4) Statutory Authority:
 Implementation and authority by the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, pars. 1701 et seq.
- 5) Effective Date of Amendments: January 5, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 5, 1990
- 9) Notice of Proposal Published in Illinois Register:
 February 3, 1989, 13 Ill. Reg. 1381
- 10) Has JCAR issued a Statement of Objections to this Rule? No
- 11) Differences between Proposed and Final version:
 A) The Agency notes the following technical differences between the February 3, 1989 initial proposal and the final version of this Rule. These "technical" differences include corrections for typographical and spelling errors; addition of statutory references; changes suggested by the Secretary of State, including correcting references to this Rule or other Rules, and the Illinois Educational Labor Relations Act; format changes; technical, nonsubstantive changes in Agency procedures; and conforming paragraph numbers. Technical differences between the proposed and final version of this Rule are found in:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Title
 - 2) Section 1120.20(b)(3)
 - 3) Section 1120.30(b)(4), (5)
 - 4) Section 1120.40(a)
 - 5) Section 1120.70(a)(1), (2), (3), (b), (c), (d), (e).
- B) The Agency notes the following differences between the proposed and final versions of this Rule that are of a substantive nature. All agreements between the Agency and the Joint Committee on Administrative Rules are contained in these substantive changes:
- 1) Section 1120.30(b)(3): Delete the period in the first sentence and the words "The purpose of the conference shall be" from the second sentence; add the following after the word "parties" in the first sentence: "when the Executive Director determines that such investigatory conference will facilitate efforts,"; replace "shall" with "may" in the first sentence.
 - 2) Section 1120.30(c): Add the new text indicated in the third, fourth and fifth sentences of the subsection, after the word "dismissal" in the existing second sentence.
 - 3) Section 1120.30(d)(3): Change the word "failure" to "pfailure" in the first sentence.
 - 4) Section 1120.30(d)(4): Add the following text at the end of the subsection: "Good cause will include: a written statement by the party of: ultimate facts showing a meritorious defense to the complaint; and either a reasonable excuse explaining the party's failure to file a timely answer, or that the party was prevented from filing a timely answer by: fraud, act or concealment of the opposing party; accidents; excusable mistake; or lack of notice, lack of jurisdiction or other grounds traditionally relied upon for equitable relief from judgments."
 - 5) Section 1120.40(g): Delete "the General Counsel will" (proposed language) and "set a briefing schedule" (existing language) from the second sentence; add the following text at the end of the subsection: "A fact is material to the claim or

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- defense in issue when the success of the claim or defense is dependent upon the existence of that fact."
- 6) Section 1120.50(a): After the second sentence of the existing text, add the text indicated in the third, fourth and fifth sentences of the text.
 - 7) Section 1120.50(b): Underline the comma after the reference to "Ill. Adm. Code Section 1105.220(b) in line three; add the following to the second sentence: ", the manner to include the dates on which briefs will be due and the subjects to be addressed in the briefs, as specified by the Board."; replace "(d)" in the text "80 Ill. Adm. Code 1105.220(c), (d), (e)" with a dash.
 - 8) Section 1120.60: After the first sentence, add the following: "The Charging Party will provide the basis for and evidence in support of its request for injunctive relief when it files its charge. The Executive Director will request the charged party to submit evidence in support of its position."
 - 9) Section 1120.70(c): Delete the phrase "transcribed stenographically or by other means which adequately preserve the record" and insert the following after the word "conference,"; be recorded stenographically or by other appropriate means,".
 - 10) Section 1120.70(e): Add the word "than" between "other" and "those" in line three.
 - 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
 - 13) Will these amendments replace an emergency rule currently in effect? No
 - 14) Are there any amendments pending on this Part? No
 - 15) Summary and Purpose of Amendments: To effectuate the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, pars. 1701 et seq., in a manner consistent with developing legal precedents in the area of unfair labor practice proceedings.
 - 16) Information and questions regarding these Adopted Amendments shall be directed to: David A. Youngerman, Chief Hearing

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Officer, 20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606.

The full text of the Adopted Amendments begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE C: LABOR RELATIONS

CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1120

UNFAIR LABOR PRACTICE PROCEEDINGS

Section	General Statement of Purpose
1120.10	Filing of a Charge
1120.20	Charge Processing and Investigation, Complaints and Responses
1120.30	Hearings
1120.40	Consideration by the Board
1120.50	Requests for Preliminary Relief
1120.60	Compliance Procedures
1120.70	

AUTHORITY: Implementing and authorized by the Illinois Educational Labor Relations Act, (Ill. Rev. Stat. 1987, ch. 48, par. 1701 et seq.).

SOURCE: Emergency rules adopted at 8 Ill. Reg. 7656, effective May 21, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 19413, effective September 28, 1984; amended at 14 Ill. Reg. 1322, effective January 5, 1990.

Section 1120.20 Filing of a Charge

- a) An unfair labor practice charge may be filed with the Illinois Educational Labor Relations Board (the Board) by an employer, an employee organization, or an employee.
- b) Unfair labor practice charges shall be on a form developed by the Board, shall be signed by the charging party, and shall contain:
 - 1) the name, address, and affiliation, if any, of the charging party;
 - 2) the name, address, and affiliation, if any, of the respondent;
 - 3) a clear and complete statement of facts supporting the alleged unfair labor practice, including dates, times and places of occurrence of each particular act alleged, and the sections of the Illinois Educational Labor Relations Act (Ill. Rev. Stat. 1987, ch. 48, pars. 1701 et. seq.) (the Act) alleged to have been violated; and
 - 4) a statement of the relief sought, provided that the statement shall not limit the Board's ability to award relief based on the record.
- c) ~~A charging-party~~ The Board shall serve a copy of the charge upon the respondent ~~prior-to-or-simultaneously-with-its-filing-with-the Board.~~
- d) Unfair labor practice charges may be filed no later than six months after the alleged unfair labor practice occurred.
- e) A charging party may withdraw without prejudice a charge at any time

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

prior to the issuance of a complaint. After issuance of a complaint, a charging party may withdraw a charge only with the approval of the Board or its designated representative Executive Director. The Board The Executive Director shall approve such withdrawal when it he finds that the withdrawal is consistent with the Act and this Part and was not obtained fraudulently or through duress.

(Source: Amended at 14 Ill. Reg. 1322, effective January 5, 1990)

Section 1120.30 Charge Processing and Investigation, Complaints and Responses

a) The Board hereby delegates to its Executive Director the authority to investigate charges and issue complaints.

b) Upon receipt of a charge, the Executive Director shall investigate the charge. Procedures for investigating requests for injunctive relief are set forth in Section 1120.60.

1) The charging party shall submit to the Executive Director all evidence relevant to or in support of the charge. Such evidence may include documents and affidavits.

2) The respondent shall submit to the Executive Director a complete account of the facts, a statement of its position in respect to the allegations set forth in the charge and all relevant evidence in support of its position. Such evidence may include documents and affidavits.

3) The Executive Director shall may hold an investigatory conference with the parties when the Executive Director determines that such investigatory conference will facilitate efforts. The purpose of the conference shall be to explore whether the charge can be resolved informally or the facts stipulated, and to further develop the record for determination of whether the charge states an issue of law or fact.

4) If the Executive Director concludes that the investigation has established that there is an issue of law or fact sufficient to warrant a hearing, he shall issue a complaint (Section 15 of the Act). In determining whether the issues of law or fact are sufficient to warrant a hearing, the Executive Director shall consider whether the charge states a cause of action upon which relief can be granted under the Act and whether the facts provided in the course of the investigation state a prima facie case. The complaint shall specify the charges and shall be served on the respondent and the charging party.

5) If the Executive Director concludes that the investigation has established that there is not an issue of law or fact sufficient to warrant a hearing, the Executive Director shall dismiss the charge. In determining whether the issues of law or fact are sufficient to warrant a hearing, the Executive Director shall consider whether the charge states a cause of action upon which relief can be granted under the Act and whether the facts

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

provided in the course of the investigation state a prima facie case. Notice of dismissal shall be served on the respondent and the charging party.

c) The charging party may file exceptions to the Executive Director's dismissal of the charge and briefs in support of those exceptions. Exceptions must be filed with the Board no later than seven fourteen days after service of the notice of dismissal. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. Such response shall be filed with the Board and served on all parties. The Board may review the Executive Director's decision on its own motion. In reviewing the exceptions, the Board will consider whether the Executive Director's decision is consistent with the Act and this Part and whether there has been an abuse of discretion. Failure of the Board to act on exceptions within 90 days will be considered a denial of the exceptions.

d) Whenever an unfair labor practice complaint is issued, the respondent must file an answer within 15 days after service of the complaint.

1) The answer shall include a specific admission, denial or explanation of each allegation of the complaint or, if the respondent is without knowledge thereof, it shall so state and such statement shall operate as a denial. Admissions or denials may be made to all or part of an allegation but shall fairly meet the allegation.

2) The answer shall also include a specific, detailed statement of any affirmative defenses including, but not limited to, allegations that the violation occurred more than six months before the charge was filed, that the Board lacks jurisdiction over the matter, or that the complaint fails to allege an unfair labor practice.

3) On motion of a party, failure to file a timely answer shall be deemed an admission of all allegations the material facts alleged in the complaint, and a waiver of a hearing. Failure to respond to any particular factual allegation of the complaint shall be deemed to be an admission of that particular allegation. Filing of a motion will not stay the time for filing an answer.

4) When a party has failed to file a timely answer, leave to file a late answer may be granted by the Hearing Officer for good cause shown. If good cause is shown, the answer shall be deemed timely. Good cause will include: a written statement by the party of: ultimate facts showing a meritorious defense to the complaint; and either a reasonable excuse explaining the party's failure to file a timely answer, or that the party was prevented from filing a timely answer by: fraud, act or concealment of the opposing party; accident; excusable mistake; or lack of notice. Lack of jurisdiction or other grounds traditionally relied upon for equitable relief from judgments.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 14 Ill. Reg. 1322, effective January 5, 1990.)

Section 1120.40 Hearings

- a) Upon the issuance of a complaint, the Board Executive Director shall set the matter for hearing before a hearing officer. All parties shall be given at least seven days' notice of the hearing. The notice shall comply with Section 10(a) of the Illinois Administrative Procedure Act, [Ill. Rev. Stat. 19837, ch. 127, par. 1010(a)]. Interested persons who wish to intervene in the hearing shall direct such requests to the hearing officer. The request shall be in writing and shall state the grounds for intervention. The hearing officer shall have discretion to grant or deny the request for intervention. In determining whether to grant the request, the hearing officer shall base his decision on the timeliness of the request, the degree to which the person requesting intervention has a real interest at stake, and the ability of the parties to represent the interests of the person requesting intervention.
- b) The Board will encourage hearing officers to schedule voluntary prehearing conferences with the parties when it appears that such conferences will aid in narrowing or resolving issues.
- d) Intermediate rulings of the hearing officer shall not be subject to interlocutory appeal. Parties may raise objections to such intermediate rulings in their exceptions to the hearing officer's recommended decision or if there is no recommended decision, in their briefs to the Board.
- e) The charging-party complainant shall present the case in support of the complaint. The respondent may present evidence in defense against the charges (Section 15 of the Act).
- f) The hearing officer shall obtain a full and complete record by inquiring fully into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation. Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the hearing officer. Within ten fourteen days after the close of the record, the hearing officer shall rule on the motions. The hearing officer may also order the case removed to the Board on his own motion within ten fourteen days after the close of the record. If the hearing officer orders a case removed, he shall certify that there are no determinative issues of fact that require a hearing officer's recommended decision. Within five seven days after removal, a party may move the Board to remand the case to the hearing officer, identifying in detail the material factual issues in dispute. If the Board fails to rule on the motion within 60 days, the case motion to remand will be deemed denied. remanded-to--the--hearing--officer--if-the-Board-denies-the-motion--it-shall-set-a-briefing-schedule. In cases removed to the

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Board, the Board shall remand the case if at any time it determines that the case presents issues of material fact requiring a hearing officer's recommended decision. A fact is material to the claim or defense in issue when the success of the claim or defense is dependent upon the existence of that fact.

- h) In cases not removed to the Board and in cases remanded to the hearing officer, the hearing officer shall file and serve on the parties a recommended decision as promptly as possible based on the length of the record and the complexity of the issues involved.

(Source: Amended at 14 Ill. Reg. 1322, effective January 5, 1990.)

Section 1120.50 Consideration by the Board

- a) In cases in which there is a recommended decision, the parties may file exceptions to the hearing officer's recommendation and briefs in support of those exceptions. Briefs and exceptions shall be filed no later than 15 21 days after service of the recommendation. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 21 days from receipt of a party's exceptions and supporting brief. Such response shall be filed with the Board and served on all parties. If no exceptions have been filed within the 15 21-day period, the parties will be deemed to have waived their exceptions.
- b) The Board will review the hearing officer's recommendation upon request-by-a-party if a party has filed exceptions pursuant to 80 Ill. Adm. Code 1105.220(b), or on its the Board's own motion. The Board shall adopt-ally-party-or-none-of-the--recommendation--to--the--extent that--the--recommendation-is-consistent-with-the-Act-and-this-Part. In cases removed to the Board, the parties will file briefs in the manner directed by the Board, the manner to include the dates on which briefs will be due and the subjects to be addressed in the briefs, as specified by the Board. In cases in which exceptions are filed and those which are removed to the Board, the Board shall issue and serve on all parties its decision and order in accordance with 80 Ill. Adm. Code 1105.220(c) - (e).
- c) In-cases-removed-to-the-Board--the-parties--shall--file--briefs--The Board--shall--direct--the--manner-in-which-such-briefs-shall-be-filed. Oral argument shall be allowed only at the direction discretion of the Board. The Board shall direct oral argument only when it determines that oral argument will assist is-essential-to-its determination of the issues. After-review-of-the-record-and--briefs--the--Board--shall issue-and-serve-on-all-parties-its-decision-and-order.

(Source: Amended at 14 Ill. Reg. 1322, effective January 5, 1990.)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Section 1120.60 Requests for Preliminary Relief

The charging party may request the Board to seek preliminary relief pursuant to Section 16(d) of the Act. The charging party will provide the basis for and evidence in support of its request for injunctive relief when it files its charge. The Executive Director will request the charged party to submit evidence in support of its position. The charging party shall have the burden of demonstrating to the Board that if preliminary relief is not sought it will suffer irreparable harm and that the remedies available from the Board will be inadequate.

(Source: Amended at 14 Ill. Reg. 1322, effective January 5, 1990)

Section 1120.70 Compliance Procedures

- a) The compliance procedures set forth herein shall commence once a Respondent
- 1) has failed to file exceptions to a Recommended Decision and Order of a Hearing Officer;
 - 2) has failed to appeal a final order of the Board; or
 - 3) when the appellate process initiated by a party after a final Board order has been exhausted and there remains an order requiring a Respondent to take certain affirmative action or to refrain from engaging in any action.
- b) If upon the occurrence of any of the events designated above in Section 1120.70(a) compliance has not occurred, a compliance conference shall be conducted.
- c) The compliance conference shall be conducted by the Executive Director or his designee and shall be in the nature of a fact-finding conference, be recorded stenographically or by other appropriate means, at which the parties to the matter shall be afforded the opportunity to present documents, affidavits, and/or any other information, in addition to their positions, on the matter of Respondent's compliance with the order.
- d) Within 14 days of the compliance conference described above in Section 1120.70(c), or a determination made under Section 1120.70(b) that compliance has taken place, the Executive Director shall cause to be served upon the parties a Recommended Decision and Order in which all issues of law and all issues of fact bearing on compliance with the order shall be resolved.
- e) For purposes of Section 1120.70(d) issues of fact are all issues bearing on the question of Respondent's compliance with the Order other than those factual issues turning exclusively on the demeanor of a witness or witnesses.
- f) Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. Such response shall be filed with the Board and served on all parties. If no exceptions have been filed within the 14 day period, the parties will be deemed to have waived their exceptions. The Board will review the Executive Director's recommendation upon request by a party or on its own motion.

(Source: Added at 14 Ill. Reg. 1322, effective January 5, 1990)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

1) The Heading of the Part: LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES2) Code Citation: 32 Ill. Adm. Code 332

<u>Section Number:</u>	<u>Adopted Action:</u>
332.10	New Section
332.20	New Section
332.30	New Section
332.40	New Section
332.50	New Section
332.60	New Section
332.70	New Section
332.80	New Section
332.90	New Section
332.100	New Section
332.110	New Section
332.120	New Section
332.130	New Section
332.140	New Section
332.150	New Section
332.160	New Section
332.170	New Section
332.180	New Section
332.190	New Section
332.200	New Section
332.210	New Section
332.220	New Section
332.230	New Section
332.240	New Section
332.250	New Section
332.260	New Section
332.270	New Section
332.280	New Section
332.290	New Section

4) Statutory Authority: Implementing and authorized by the Radiation Protection Act (Ill. Rev. Stat. 1987, ch. 111½, pars. 211 et seq.).5) Effective Date of Rules: January 5, 19906) Does this rulemaking contain an automatic repeal date? No7) Does this rule contain incorporations by reference? This rule contains incorporations by reference pursuant to Section 6.02(a) of the Illinois Administrative Procedure Act.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

8) Date Filed in Agency's Principal Office: January 5, 19909) Notices of Proposal Published in Illinois Register:

April 28, 1989, 13 Ill. Reg. 5874

10) Has JCAR issued a Statement of Objections to this rule? No11) Difference(s) between proposal and final version:

- a) Table of Contents, Section 332.270, title changed to "Long-Term Care Payment".
- b) Section 332.10(a), the following has been added to the end of this subsection: "The regulation by the State of byproduct material as defined in Section 11e(2) of the Atomic Energy Act, as amended, 42 U.S.C. 2014(e), is subject to the provisions of an agreement between the State and the U.S. Nuclear Regulatory Commission (NRC). In the absence of such agreement, the regulations in this Part shall not be enforceable against any source material milling facility."

- c) Section 332.20, definitions have been added for "Act" and "Long-term care"; the following definitions have been amended:

"Closure", line 2, the word "generate" has been changed to the word "produce"; line 3, the phrase "stabilize or relocate the byproduct material" has been changed to the phrase "reclaim the tailings area, to reclaim the waste disposal area".

"Closure plan", the definition has been changed to read as follows: "Closure plan" means the Department approved plan to accomplish closure." The Department has also added an Agency Note.

"Commencement of construction", the definition has been changed to read as follows: "Commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the natural environment of a site, but does not include changes desirable for the temporary use of land for public recreational uses, necessary borings to determine site characteristics, or other preconstruction monitoring to establish background information related to the suitability of a site or the protection of environmental values".

"Disposal site", line 4, the phrase " , and any buffer zones" has been deleted.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- "Groundwater", line 3, the word "above" has been changed to the phrase "in this Section".
- Agency Note for "Licensed site", line 2, immediately after the word "site" the phrase "and any buffer zones and" has been deleted; lines 4 and 5, the phrase " , and any buffer zones" has been inserted.
- "Minor custodial activities", line 1, immediately after the word "activities" the following phrase has been inserted "under State specific license,".
- "Reclamation", in subsection (1), immediately after the word "site" the following phrase has been inserted " . This may include relocation of the byproduct material".
- d) Section 332.30, a new subsection (c) has been added. The subsection reads as follows:
- "c) Any person who, on the effective date of the Agreement between the State and NRC transferring regulatory authority to the State, possesses a license, issued by the NRC, to operate a source material milling facility or byproduct material surface impoundment or disposal area or to receive, possess, dispose of, or transfer source or byproduct material associated with such facilities, shall be deemed to possess a like license issued under this Part. Such license shall expire 90 days after receipt from the Department of a notice of expiration of such license or on the date of expiration specified in the NRC license, whichever is earlier."
- e) Section 332.40(d), line 1, the word "license", the second time it appears, has been changed to the word "licensee"; and in subsection (h), line 2, the comma in the Code citation has been changed to a period.
- f) Section 332.50:
- (b)(4)(D), line 1, the phrase "Reclamation, decontamination, and stabilization" has been changed to the word "Closure".
- (c)(3), line 1, the phrase "and product" has been changed to the phrase " , source material and byproduct material".
- (c)(4), this subsection has been deleted and all other subsections have been renumbered. Renumbered subsection (4), line 3, the period has been changed to a semicolon and the word "and" has been inserted.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- g) Section 332.60:
- (d), line 2, the word "tornados" has been changed to the word "tornadoes".
- (m), line 2, the phrase "long-term care" has been changed to the phrase "postclosure activities".
- (o), line 2, the parenthetical expression "(i.e., ingestion, inhalation, external exposures)" has been inserted immediately after the word "exposure".
- h) Section 332.70(c), line 9, the word "decommissioning" has been changed to the word "closure".
- i) Section 332.80, line 6, the phrase " , observation and maintenance" has been deleted.
- j) Section 332.90, line 2, the phrase "carry out the activities for which the license is sought and to" has been deleted.
- k) Section 332.100:
- (a)(1)(A), line 2, the word "of" has been changed to the word "from".
- (a)(2), the second and third sentences have been deleted.
- (g), line 3, the comma in the Code citation has been changed to a period.
- l) Section 332.110:
- (a), line 1, the definition for "the Act" has been moved to the definition Section (332.20).
- (g)(1), line 3, the correct U.S.C. citation has been inserted and reads as follows "11 U.S.C. 101 et seq.".
- m) Section 332.120, subsection (a) has been changed to read as follows "At least 1 year prior to license expiration, the licensee shall notify the Department of its intent to either renew its license or to seek an amendment authorizing closure. At least 30 days prior to license expiration, the licensee shall file with the Department either an application for renewal of the license or an application for a license amendment authorizing closure".

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- n) Section 332.130, line 4, the period has been deleted and the following phrase has been inserted "and shall provide the following specific information regarding site closure:".

o) Section 332.150:

(a)(2), line 2, the phrase "will be" has been changed to the phrase "have been".

Subsection (a)(4) has been deleted and all other subsections have been renumbered.

(b), line 2, immediately after the word "site" a comma has been inserted; and immediately after the word "the" the following phrase has been inserted "buildings and".

(b)(1), line 2, immediately after the word "concentrations" the phrase "for total radium," has been inserted.

(b)(1)(A)(i)(ii) has been changed to "(b)(1)(A) and (B)" and the semicolon and the word and has been changed to a period in new subsection (B).

Subsections (b)(1)(B)(i) and (ii) have been deleted.

(b)(2), line 2, the second "the" has been deleted, and the third line has been deleted.

- p) Section 332.170(a), line 4, the phrase "annual dose equivalent commitment" has been changed to "committed effective dose"; on line 5, immediately after the comma, the phrase "and a committed dose equivalent in excess of" has been inserted.

- q) Section 332.180 has been rewritten as follows "Design, operation, and closure of the facility disposal area shall protect any individual inadvertently entering onto the disposal site at any time after termination of the license by the Department".

r) Section 332.210

(b)(1), the second sentence has been rewritten as follows: "The disposal area must incorporate a distance between any waste disposal unit and the control boundary which is of adequate dimensions to carry out required environmental monitoring activities and remediation activities if necessary. In most cases, a distance of 10 meters would be adequate."

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

(b)(2), line 3, the comma in the Code citation has been changed to a period.

(b)(7), line 4, the period has been changed to a semicolon and the word "and" has been inserted.

(b)(8), line 5, the phrase "Appendix A of 10 CFR 100" has been changed to "10 CFR 100, Appendix A," and the incorporation by reference date has been changed to 1989.

(d), line 3, the word "in-situ" has been changed to the phrase "in situ".

s) Section 332.220:

(a)(2), line 1, the word "supports" has been changed to the word "support".

(b)(2), the following sentence has been added to the end of this subsection "Overall stability, erosion potential, and geomorphology of surrounding terrain must be evaluated to assure that there are not ongoing or potential processes, such as gully erosion, that would lead to disposal area instability".

subsection (g) has been deleted.

- t) Section 332.230(a), the incorporation by reference date has been changed to January 1, 1989.

- u) Section 332.230(b), line 8, the word "for" has been changed to the word "from"; line 13, the word "date" has been changed to the word "data".

- v) Section 332.240(a), line 4, immediately after the first sentence, the following has been inserted "Lands not decommissioned in accordance with Section 332.150(b)(1) shall be incorporated into the disposal area".

w) Section 332.250:

(a), line 6, the Code citation has been changed as follows "32 Ill. Adm. Code 340.Appendix A (see Table II, Column 2)".

(d), line 10, immediately after the word "avoid" the word "site" has been inserted; line 21, the word "conditions" has been changed to the word "operations"; the last sentence has been deleted from this subsection.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

(e), the following sentence has been inserted at the end of this subsection "To control dusting from diffuse sources, operators shall develop written operating procedures specifying the methods of control which will be used".

(f), the quotation marks have been deleted from the Part heading following the CFR citation.

(g), the incorporation by reference date has been changed to July 1, 1989.

x) Section 332.260:

(a), line 5, the comma has been deleted immediately after the word "stabilization" and the following has been inserted "and closure of the byproduct material disposal site and the"; line 6, immediately after the word "care" the following phrase has been deleted "and maintenance of byproduct material disposal site" and the word "payment" has been inserted.

(b), line 14, immediately after the word "part" the following has been deleted ", and continuous for the term of the license".

(c)(2), immediately after the word "stabilization" the following phrase has been inserted "and closure".

(c)(3), line 1, immediately after the word "for" the word "the" has been inserted; line 2, immediately after the word "care" the following has been deleted ", maintenance and control" and the word "payment" has been inserted.

(d), the first sentence has been deleted. In the second sentence, immediately after the word "work" the following has been inserted "identified in subsections (c)(1) and (2)". The third sentence has been deleted.

(e), line 10, the word "fund" has been changed to the word "payment".

(f), line 3, the word "reclamation" has been changed to the word "closure"; line 7, the word "reclamation" has been changed to the word "closure"; the third sentence has been deleted.

(g), line 3, immediately after the first sentence the following has been inserted "The surety instrument shall provide that the surety mechanism will not be cancelled unless the surety notifies both the Department and the licensee at least 90 days prior to cancellation.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Proof of forfeiture shall not be necessary to collect the surety so that in the event that the licensee could not provide an acceptable replacement surety within the required time, the surety shall be automatically collected prior to its expiration or cancellation."

y) Section 332.270:

Section Title, the word "Fund" has been changed to the word "Payment".

(a), line 2, the word "fund" has been changed to the word "payment"; line 3, the phrase "observation and maintenance" has been deleted; line 4, the word "established" has been changed to the word "paid"; line 6, the word "fund" has been changed to the word "payment" and the phrase "established in" has been changed to the phrase "made to"; line 8, the word "fund" has been changed to the word "payment".

(b), line 1, the phrase "monitoring and maintenance" has been deleted; line 4, the word "fund" has been changed to the word "payment"; line 7, the phrase ", observation and maintenance" has been deleted.

z) Section 332.280:

(a), line 2, the comma has been deleted after the word "rights" and the word "and" has been inserted and the phrase "and buffer zone" has been deleted.

(b), line 3, the phrase "and the buffer zone" has been deleted and the following has been inserted "or is essential to ensure the long-term stability of the disposal area"; line 12, the word "that" has been deleted and the following has been inserted "is subject to an NRC license prohibiting the"; line 14, the phrase "without a license is prohibited" has been deleted.

(e), line 1, the word "section" has been changed to the word "Section"; line 8, the phrase "and maintenance" has been deleted.

subsection (f) has been deleted.

subsection (g) has been changed to subsection (f) and rewritten as follows "Prior to termination of the license, the licensee shall provide evidence that it will comply with ownership requirements of this Section".

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter to the Department.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of the Rules: This rulemaking establishes procedures, criteria, and conditions applicable to issuance of specific licenses for source material milling and disposal of byproduct material by the Department of Nuclear Safety. The requirements are intended to ensure the protection of the public health and the environment during and after source material milling. This Part also establishes specific technical and financial requirements for source material milling facilities including their construction and operation; decontamination; reclamation and ultimate stabilization; postclosure activities; license transfer and termination; and facility ownership and ultimate custody. The regulations in this Part do not apply to disposal of licensed material as provided in 32 Ill. Adm. Code 601.

16) Information and questions regarding this adopted rule shall be directed to:

Betsy Salus
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
785-9880

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 332

LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES

Section	Purpose and Scope
332.10	Definitions
332.20	License Required
332.30	Application Content and Procedure
332.40	General Information
332.50	Technical Information
332.60	Technical Analyses
332.70	Institutional Information
332.80	Financial Information
332.90	Evaluation of License Application and Issuance of a License
332.100	General Conditions of Licenses
332.110	Application for Renewal or Closure
332.120	Contents of Application for Site Closure and Stabilization
332.130	Postclosure Observation and Maintenance
332.140	Termination of Source Material Milling Facility License
332.150	General Requirements
332.160	Protection of the General Population from Radiation
332.170	Protection of Individuals from Inadvertent Access
332.180	Protection of Individuals During Operations
332.190	Stability of the Byproduct Material Disposal Site After Closure
332.200	Technical Criteria for Byproduct Material Disposal Sites - Siting
332.210	Criteria
332.220	Technical Criteria for Byproduct Material Disposal Sites - Design
332.230	Criteria
332.240	Technical Criteria for Byproduct Material Disposal Sites - Groundwater Protection
332.250	Technical Criteria for Byproduct Material Disposal Sites - Radiation Hazards
332.260	Technical Criteria - Source Material Milling Operations
332.270	Financial Surety Requirements
332.280	Long-Term Care Payment
332.290	Land Ownership
332.290	Maintenance of Records, Reports, and Transfers

AUTHORITY: Implemented and authorized by the Radiation Protection Act (111. Rev. Stat. 1987, ch. 111½, pars. 211 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 1333, effective January 5, 1990.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Section 332.10 Purpose and Scope

- a) The regulations in this Part establish procedures, criteria, and conditions upon which the Department of Nuclear Safety (Department) issues specific licenses for source material milling and disposal of the byproduct material. These procedures are intended to ensure the protection of people and the environment during and after source material milling. The regulations in this Part do not establish procedures and criteria for the issuance of licenses for materials covered under Title I of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901). The regulation by the State of byproduct material as defined in Section 11e(2) of the Atomic Energy Act, as amended, 42 U.S.C. 2014(e) is subject to the provisions of an agreement between the State and the U.S. Nuclear Regulatory Commission (NRC). In the absence of such agreement, the regulations in this Part shall not be enforceable against any source material milling facility.
- b) In addition to the requirements of this Part, unless specified otherwise, all licensees are subject to the requirements of 32 Ill. Adm. Code 310, 320, 330, 331, 340, 341, 400 and 601, and 35 Ill. Adm. Code 302.208, 302.304, 303.202, and 303.203. The regulations in this Part do not apply to disposal of licensed material as provided in 32 Ill. Adm. Code 601.
- c) This Part establishes procedural requirements and technical criteria applicable to any source material milling and to disposal of byproduct material as defined in this Part. It establishes specific technical and financial requirements for source material milling facilities including their construction, operation and decommissioning; decontamination; reclamation and ultimate stabilization; postclosure activities; license transfer and termination; and facility ownership and ultimate custody.

Section 332.20 Definitions

The following definitions are applicable for use in this Part only.

"Act" means the Radiation Protection Act, Ill. Rev. Stat. 1987, ch. 111½, par. 211 et seq.

"Active maintenance" means any activity, other than minor custodial activities, needed to preserve isolation of the byproduct material. Active maintenance includes ongoing activities such as the pumping, removal, or treatment of surface water or groundwater or one-time measures such as replacement of a disposal area cover.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs. Any saturated zone created by uranium or thorium recovery operations would not be considered an aquifer unless the zone is or potentially is:

hydraulically interconnected to a natural aquifer,

capable of discharge to surface water, or

reasonably accessible because of migration beyond the vertical projection of the boundary of the land transferred for long-term government ownership and care in accordance with Section 332.280.

AGENCY NOTE: The determination of "significant" will be based on site specific criteria such as yield of the aquifer in volume per unit time, its degree of use or potential for future use for domestic, industrial, or agricultural purposes, the availability of alternative sources, and capability of users to change to alternative sources in the event groundwater protection standards are exceeded.

"Buffer zone" means the area surrounding the site used for disposal of either byproduct material, or material contaminated with uranium or thorium during or as a consequence of source material milling operations. Use of the buffer zone is limited to those activities that would not be detrimental to containment of the wastes, environmental monitoring, interception and processing of any surface or groundwater effluents.

"Byproduct material" means, for purposes of this Part only, the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by such solution extraction operations do not constitute byproduct material within this definition.

"Closure" means the activities following operations to decontaminate and decommission the buildings and site used to produce byproduct material, to reclaim the tailings area, to reclaim the waste disposal area, and to restore the groundwater to the degree necessary to achieve compliance with the groundwater protection requirements of subsection 332.230(a).

"Closure plan" means the Department approved plan to accomplish closure.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

AGENCY NOTE: The Department will approve a closure plan if the plan describes how the licensee will decontaminate, reclaim, and stabilize the licensed site in accordance with the requirements of this Part.

"Commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the natural environment of a site, but does not include changes desirable for the temporary use of land for public recreational uses, necessary borings to determine site characteristics, or other preconstruction monitoring to establish background information related to the suitability of a site or the protection of environmental values.

"Compliance period" begins when the Department sets specific secondary groundwater protection standards in accordance with Section 332.230 and ends when the owner's or operator's license is terminated and the disposal site is transferred to the State or federal agency for long-term care.

"Control boundary" means a physical barrier that separates a restricted area from an unrestricted area.

"Decommissioning" means to remove (as a facility) safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license.

AGENCY NOTE: The byproduct material disposal site is not decommissioned because it will neither be released for unrestricted use nor be unlicensed. Land ownership and custody will be maintained by the State or the federal government as required by Section 332.280. However, portions of the licensed site other than the actual byproduct material disposal area are decommissioned.

"Dike" means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Disposal area" means the area containing byproduct material to which the requirements of Sections 332.170(c) and 332.240 apply.

AGENCY NOTE: The disposal area includes only the surface area of the land immediately underlain by byproduct material and does not include any embankments, dams, or other supporting structures which surround the byproduct material.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

"Disposal site" means the land transferred to the State or federal government under Section 332.280. This land includes the disposal area, any surrounding embankments, or dams that contain the byproduct material.

"Existing portion" means that land surface area of an existing surface impoundment or disposal area on which significant quantities of byproduct material have been placed prior to September 30, 1983.

"Fund" means the "The Radiation Protection Fund", Ill. Rev. Stat. 1987, ch. 111½, par. 218(c).

"Groundwater" means water below the land surface in a zone of saturation. For purposes of this Part, groundwater is the water contained within an aquifer as defined in this Section.

"Leachate" means any liquid, including any suspended or dissolved components in the liquid, that has percolated through or drained from the byproduct material.

"Licensed site" means the area contained within the boundary of a location under the control of persons generating or storing byproduct material under a Department license.

AGENCY NOTE: The licensed site would include, at a minimum, any actual or proposed disposal areas and sites, any additional land used by the licensee for the generation and storage of byproduct material, and any buffer zones. Normally, this latter land area and any buffer zones will be decommissioned and reclaimed, and not subject to land transfer under Section 332.280.

"Liner" means a continuous layer of natural or man-made material, beneath or on the sides of a surface impoundment which restricts the downward or lateral escape of byproduct material, hazardous constituents, or leachate.

"Long-term care" means the period following postclosure and termination of a license issued under this Part during which surveillance and monitoring activities are conducted by a State or federal Agency.

"Minor custodial activities" means maintenance activities under State specific license, not necessary to preserve the isolation of the byproduct material. Such activities could include repair of fencing, repair or replacement of monitoring equipment, minor additions to or repair of disposal area cover, and general disposal site upkeep such as mowing grass.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

"Monitoring" means observing and making measurements to provide data to evaluate the performance and characteristics of a licensed or disposal site.

"Point of compliance" means the site specific location in the uppermost aquifer where the groundwater protection standard must be met.

"Postclosure" means the period of time from completion of the closure plan for decontamination, reclamation, and stabilization of the source material milling facility, byproduct material surface impoundment and disposal area, but prior to the termination of the license.

"Reclamation" means the following activities performed at a licensed site as a part of closure:

stabilize and isolate byproduct material contained within a disposal site. This may include relocation of the byproduct material;

backfill with uncontaminated soil any disturbed areas to achieve a topography compatible with surrounding terrain;

recontour land to support surface drainage; and

revegetate as necessary.

"Restricted area" means any area access to which is controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive material. The restricted area shall not include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

"Source material" means:

uranium or thorium, or any combination thereof, in any physical or chemical form, or

ores which contain by weight one-twentieth of one percent (0.05%) or more of uranium, thorium, or any combination of uranium or thorium. Source material does not include special nuclear material.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

"Source material milling" means any operation in which uranium or thorium is extracted and concentrated from ore processed primarily for its source material content. This includes solution mining and heap leaching and any other operation which generates byproduct material as defined in this Part.

"Special nuclear material" means:

plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the U.S. Nuclear Regulatory Commission determines to be special nuclear material, or

any material artificially enriched by any of the foregoing.

"Surface impoundment" means a natural topographic depression, man-made excavation, or diked area, which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well.

"Surveillance" means monitoring and observation of the disposal site for the purposes of visual detection of the need for maintenance, custodial care, evidence of unauthorized access, and compliance with other license and regulatory requirements.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

Section 332.30 License Required

- a) No person shall operate a source material milling facility or byproduct material surface impoundment or disposal area, or receive, possess, dispose, or transfer source or byproduct material associated with such facilities, unless authorized by a license issued by the Department pursuant to this Part and 32 Ill. Adm. Code 330.
- b) Each person shall file an application with the Department pursuant to 32 Ill. Adm. Code 330.240 and obtain a license as provided in this Part before commencement of construction of a source material milling facility, or byproduct material surface impoundment or disposal area. Failure to comply with this requirement shall be grounds for denial of a license.

- c) Any person who, on the effective date of the Agreement between the State and NRC transferring regulatory authority to the State, possesses a license, issued by the NRC, to operate a source material milling facility or byproduct material surface impoundment or disposal area or to receive, possess, dispose of, or transfer source or byproduct material associated with such facilities, shall be deemed to possess a like license issued under this Part. Such license shall expire 90 days after receipt from the Department of a notice of expiration of such license or on the date of expiration specified in the NRC license, whichever is earlier.

Section 332.40 Application Content and Procedure

- a) In addition to the requirements set forth in 32 Ill. Adm. Code 330.250, an application filed pursuant to this Part shall contain the required information as set forth in Sections 332.50 through 332.90.
- b) The Department will review the application for completeness within sixty (60) days after receipt of the application and will notify the applicant whether or not the application is acceptable for filing. This review of the application shall not constitute the Department's approval of the adequacy of the information and data contained in the application.
- c) The Department may at any time after the filing of the original application, and before the expiration of the license, require further statements or data to enable the Department to determine whether the application should be denied or whether a license should be granted, modified, or revoked.
- d) A license application may include a request for a licensee to engage in one or more activities, provided that the application specifies the additional activities for which licenses are requested and complies with regulations of the Department as to application for such licenses.
- e) In any application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed by the applicant with the Department. Such reference shall identify the document being referenced by subject, date and page number.
- f) All materials considered to be proprietary in nature shall be separated, marked confidential and sealed in an envelope or package. These materials shall be referenced in the license application.

- g) Ten copies of an application for a specific license, or amendment thereto, shall be filed with the Department.
- h) Each application for a specific license, or amendment thereto, shall be accompanied by the fee prescribed in 32 Ill. Adm. Code 331. Appendix A.

Section 332.50 General Information

The general information shall include each of the following:

- a) Identity of the applicant, including:
- 1) The full name, address, telephone number, and description of the business or occupation of the applicant;
 - 2) If the applicant is a partnership, the name and address of each partner and the principal location where the partnership does business;
 - 3) If the applicant is a corporation or an unincorporated association, the state where it is incorporated or organized, the principal location where it does business, and the names and addresses of its directors and principal officers; and
 - 4) If the applicant is acting as an agent or representative of another person in filing the application, all information required under this subsection shall be supplied with respect to the other person.
- b) Qualifications of the applicant:
- 1) The organizational structure of the applicant, both onsite and onsite, including a description of lines of authority and assignments of responsibilities, whether in the form of administrative directives, contract provisions, or otherwise;
 - 2) The technical qualifications, including training and experience, of the applicant and members of the applicant's staff to engage in the proposed activities. Minimum training and experience requirements for personnel filling positions described in response to the requirements of subsection (b)(1) shall be provided;
 - 3) A description of the applicant's program for training personnel to execute job functions in a manner consistent with the requirements of this Part and 32 Ill. Adm. Code 310, 320, 330, 340, 341, and 400.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- 4) The plan to maintain trained personnel to carry out;
- A) Receipt, possession and transfer of source and byproduct material;
- B) Source material milling;
- C) Disposition of byproduct material; and
- D) Closure of the licensed site, surface impoundments, and disposal areas.
- c) A description of:
- 1) The location of the proposed source material milling facility, and byproduct material surface impoundments and disposal areas;
- 2) The general character of the proposed activities;
- 3) The types and quantities of ores, source material and byproduct material to be received, possessed, stored, transferred, or disposed of;
- 4) The proposed milling facilities, equipment, surface impoundment and disposal area conceptual design, and size of the licensed site through closure; and
- 5) The proposed schedules for construction, receipt of ores, the first processing of ores, expansion or increased capacity potential over and above the planned facilities, and the anticipated operational lifetime of the source material milling facility and surface impoundments.

Section 332.60 Technical Information

The application shall contain technical information demonstrating that the technical criteria of this Part will be met. Specifically, the application shall contain:

- a) A description of the characteristics of the proposed licensed site as determined by selection and characterization activities. The description shall include, but need not be limited to, the following:
- 1) Topography, geology, geochemistry, geotechnology, seismology, hydrology, climatology, meteorology, radioactivity, toxicology, ecology;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- 2) History, archaeology, and demography;
- 3) Local economy and land usage;
- 4) Known natural and mineral resources;
- 5) Proposed and available modes of transportation; and
- 6) A list of all endangered plant and animal species on the site and within 10 km.
- b) A description of the design features of the source material milling facility and byproduct material surface impoundment and disposal area. The description shall include the following:
- 1) Surface and groundwater management;
- 2) Effluent discharges and monitoring;
- 3) Licensed site access protection;
- 4) Occupational exposure control;
- 5) Licensed site monitoring, closure and maintenance; and
- 6) Buffer zone adequacy for monitoring and potential mitigative measures.
- c) A description of the design criteria and their relationship to the technical criteria.
- d) A description of the natural events or phenomena, such as winds and rainstorms, tornadoes, earthquakes and extreme temperatures, used for the design and their relationship to the design criteria.
- e) A description of codes and standards which the applicant has applied to the design and which will apply to construction of the source material milling facility, and any byproduct material surface impoundment and disposal area.
- f) A description of the construction and operation of any byproduct material surface impoundment and disposal area. The description shall include as a minimum:
- 1) Method of construction;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- 2) Method for emplacement of byproduct material within a surface impoundment or disposal area;
- 3) Procedures for and areas of waste segregation;
- 4) Types of access control barriers;
- 5) Engineering quality control program;
- 6) Construction quality assurance program;
- 7) Methods and areas of waste storage;
- 8) Onsite traffic and drainage systems; and
- 9) Methods to control surface water and groundwater and precipitation access to the byproduct material.
- g) A description of methods to be employed in the handling and disposal of the byproduct material including dewatering and neutralizing such materials that, because of physical or chemical properties, might affect meeting the technical criteria of this Part.
- h) A description of the licensed site closure plan, including those design features which are intended to facilitate closure and to eliminate the need for active maintenance.
- i) A description of the kind, amount, source, classification and specifications of the radioactive material proposed to be received, possessed, processed, and disposed of at the source material milling facility, any byproduct material surface impoundment, and any disposal area.
- j) A description of the quality assurance program for the determination of natural characteristics of the licensed site and for the maintenance of quality control during the design, construction, operation, reclamation, decontamination, stabilization, and closure of the licensed site. Audits and managerial controls including criteria and standards shall be incorporated in this program.
- k) A description of the radiation safety program for controlling and monitoring radioactive effluents to ensure compliance with the technical criteria in Section 332.170; occupational radiation exposure to ensure compliance with the requirements of 32 Ill. Adm. Code 340; and to control contamination of personnel, vehicles,

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- equipment, buildings, and the site. Both routine operations and accidents shall be addressed. The program description shall include procedures, instrumentation, facilities, and equipment.
- 1) A description of the environmental monitoring program designed to provide data to evaluate potential health and environmental impacts and the plan for taking corrective measures if migration is indicated. Components of an environmental monitoring program generally include:
 - 1) the sampling of air, for particulate and gaseous emissions;
 - 2) the sampling of surface water and groundwater;
 - 3) the sampling of soil and sediment;
 - 4) the sampling of vegetation and animals;
 - 5) the sampling of total radon and its daughters;
 - 6) the sampling of direct radiation with both passive integrating devices and survey instruments; and
 - 7) other environmental analysis that might be indicated as a result of site specific conditions.
 - m) A description of the proposed methods of decontamination, reclamation, stabilization and postclosure activities within the licensed site.
 - n) A description of each emission source and emission control device incorporated into the source material milling operations. The description shall also include the efficiency, calibration procedures and maintenance schedules for emission control devices.
 - o) A description of the licensee's procedure for monitoring all pathways of exposure (i.e., ingestion, inhalation, external exposures) to workers and the public. The frequency of monitoring for each pathway shall be site specific and designed to demonstrate compliance with the criteria of Section 332.170.
 - p) A description of the administrative procedures that the applicant will apply to control activities at the source material milling facility and any byproduct material surface impoundment, and disposal area including, but not limited to, organization and lines of authority, management audit programs, and internal inspection programs.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- q) An estimate of the environmental effects of accidents on each operation.
- r) A description of regional and site specific characteristics which have seasonal or cyclical variations to include the range of variations in addition to the average values. The site specific preoperational monitoring data must be based on data collected during a one year (four consecutive seasons) period or longer. This data shall be collected prior to any alteration of the environment by changes in topography, drainage, or construction of the milling facility and waste disposal system.
- s) A report describing methodology, calibration procedures, quality control and data analysis for each type of measurement shall be included in the application.

Section 332.70 Technical Analyses

The technical information shall also include the following analyses needed to demonstrate that the technical criteria of this Part will be met:

- a) Analysis of radiological impacts, including all pathways of exposure (i.e., ingestion, inhalation, external exposures) of an individual continuously present at the control boundary, the public and those individuals working at the licensed site, in accordance with Section 332.170 and 32 Ill. Adm. Code 340.1010. The analysis of radiological impacts of the proposed project must include the construction, operation, decontamination, reclamation, stabilization and postclosure periods under both normal and low-frequency severe event conditions, e.g. floods, severe storms, earthquakes, tornadoes, extreme temperatures. In addition, the analysis shall include a description of assumptions and procedures used for determination of the source terms, concentrations, and dose-conversion factors. The impacts analysis shall also include the following:

- 1) A determination of the radiological impacts to an individual continuously present at the control boundary;
- 2) A determination of the health impacts to the public, based on existing population and projected population, for 100 years, within a distance of 80 km;
- 3) A determination of the health impacts to the public, based on existing population and projected population, for 100 years, within a distance to 5 km;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- 4) Radiological analyses for a period up to 100 years after the anticipated closure;
- 5) The radiological impacts on groundwater, estimated for a period of 1,000 years after the beginning of the operation; and
- 6) Identification and differentiation of the roles performed by the natural site characteristics and design features in isolating the byproduct material from the environment. The analyses shall include assessments that show the exposures to humans from the release of radioactivity will not exceed the limits set forth in Section 332.170.

- b) Analyses of the protection of individuals during operations shall include assessments for expected exposures due to routine operations and accidents during operation, storage, transfer, transport, and disposal of ores, products, byproducts, and byproduct material as defined in this Part. The analyses shall include assessments that show that exposures will be controlled to meet the requirements of 32 Ill. Adm. Code 340.1010 for individuals in the restricted area, and the requirements of Section 332.170 for individuals outside the control boundary.

- c) Evaluation of the long-term stability of the byproduct material disposal site and the need for active maintenance after closure of the source material milling facility and any byproduct material surface impoundment or disposal area shall be based upon analyses of active natural processes such as erosion, mass wasting, slope failure, settlement of byproduct material and backfill, infiltration through covers over disposal areas and adjacent soils, and surface drainage of the disposal site. The analyses shall include assessments that show that, after closure, the disposal site will not require active maintenance.

- d) Analysis of the protection of the disposal site from inadvertent access shall include demonstration that the site closure requirements of Section 332.180 will be met.

Section 332.80 Institutional Information

Where the proposed disposal site is on land not owned by the federal or State government, the applicant shall submit evidence that arrangements have been made for transfers of ownership in fee to the federal or State government. Such arrangements shall provide that the governmental agency assuming custody of the byproduct material and its disposal site also assume responsibility for long-term care after termination of the license issued by the Department.

ILLINOIS REGISTER
DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF ADOPTED RULES

Section 332.90 Financial Information

The financial information shall be sufficient to determine that the financial qualifications of the applicant are adequate to comply with financial surety regulations set forth at Section 332.260.

Section 332.100 Evaluation of License Application and Issuance of a License

a) Environmental Analysis

- 1) Each application for a license or license amendment must be reviewed and the license or amendment must be issued by the Department before commencement of any major construction activity. As part of its review of such applications, the Department shall prepare a written analysis of the impact of the license including any activities conducted pursuant thereto. The analysis shall include the following:

- A) An assessment of the radiological and nonradiological impacts to the public health from the activities to be conducted pursuant to the license or amendment;
- B) An assessment of any impact on any waterway and groundwater resulting from the activities conducted pursuant to the license or amendment;
- C) Consideration of alternatives, including alternative sites and engineering methods, to the activities to be conducted pursuant to the license or amendment; and
- D) Consideration of the long-term impacts including decommissioning, decontamination and reclamation impacts, associated with activities to be conducted pursuant to the license or amendment.

- 2) Commencement of construction prior to issuance of the license or amendment shall be grounds for denial of the license or amendment; and

- 3) The environmental analysis prepared in accordance with subsection (a)(1) shall be available to the public before the commencement of hearings regarding the merits of the application.

b) Public participation

- 1) Written comments

- A) Upon completing preparation of the analysis pursuant to subsection (a), the Department shall publish a notice of the availability of the environmental analysis in the official State newspaper and in a newspaper published in the county or counties where the facility which is the subject of licensing action is to be located. This notice shall specify how a copy of the environmental analysis can be obtained as well as the deadline and address for submitting written comments on the license application.

- B) The Department shall accept written comments on the license application and the environmental analysis for at least 45 days following the publication of the notice described in subsection (b)(1)(A).

2) Hearings

- A) At least 30 days prior to the issuance or renewal of a license pursuant to this Part, the Department shall publish a Notice of Opportunity to request a hearing in the official State newspaper and in a newspaper published in the county or counties where the facility that is the subject of the license application is located. This notice shall contain:

- i) a statement identifying the location of the facility,
- ii) a statement of the availability of the environmental analysis,
- iii) a statement of the right to request a hearing,
- iv) the date by which a request for a hearing is to be submitted to the Department, such date shall be no less than 20 days from the date of the publication of the notice, and
- v) a statement of the actions that will be taken by the Department in the event that a hearing is not requested.

- B) Any person who would be adversely affected by the issuance of the license may request a hearing. The request must be in writing and must contain a brief statement of the basis upon which the issuance of the license is being challenged. If the request is not submitted by the date specified in accordance with subsection (b)(2)(A), or if the request is submitted but later withdrawn, the Department shall issue the license in accordance with subsection (c).

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- c) If any hearing is requested in accordance with subsection (b)(2)(B), the parties to the hearing shall be the Department and the Respondent. The provisions of 32 Ill. Adm. Code 200.20, 200.40, 200.50, 200.80 through 200.140 and 200.160 through 200.230 shall be applicable to the hearing.
- c) Upon a determination that an application meets all criteria of this Part, the Department shall issue a specific license authorizing the construction of the source material milling facility and any byproduct material surface impoundment and disposal area. Upon completion of the construction in accordance with the license specifications, the Department shall authorize operations at the licensed site after verification of compliance with the license specifications.
- d) The Department may incorporate in any license at the time of issuance, or thereafter by appropriate rule or order, additional requirements and conditions in order to:
- 1) Ensure compliance with the requirements of this Part;
 - 2) Reduce potential hazard to public safety during operation;
 - 3) Protect the environment; or
 - 4) Prevent loss or theft of materials subject to this Part.
- e) The Department may require reports, examine records and inspect activities under the license as necessary to demonstrate compliance with the requirements of this Part.
- f) Throughout the construction and operating phases of the source material milling facility, a monitoring program shall be conducted by the licensee in order to:
- 1) Demonstrate compliance with the standards of this Part and 32 Ill. Adm. Code 310, 340, and 400;
 - 2) Evaluate the performance of control systems and procedures;
 - 3) Evaluate environmental impacts of operation; and
 - 4) Detect potential long-term adverse effects.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- g) The source material milling facility shall be designed and operated so that effluents and emissions are less than the exposure and concentration limits specified in 32 Ill. Adm. Code 340. Appendix A and in Section 332.1170. The licensee shall limit emissions and exposures by using emission control devices. If the licensee cannot meet the requirements using emission control devices, then institutional controls, such as extended licensed site boundaries and buffer zones, may be used to ensure that limits of exposure and concentrations at the boundary of the restricted area will be met. The licensee shall submit to the Department proposed operation procedures and shutdown procedures as evidence that the requirements specified in 32 Ill. Adm. Code 340 will be met.

Section 332.110 General Conditions of Licenses

- a) The licensee shall be subject to the provisions of the Act and to all rules, regulations, and orders of the Department. The terms and conditions of the license are subject to amendment, revision, or modification, by reason of amendments to, or by reason of regulations and orders issued in accordance with the terms of the Act.
- b) Each person licensed by the Department pursuant to the regulations of this Part shall confine possession and use of materials to the locations and purposes authorized in the license.
- c) The licensee shall not process any ore or place any byproduct material in any surface impoundment or disposal area until the Department has inspected it and, based on the results of the inspection, has determined that it conforms to the description, design, and construction described in the application for the license.
- d) No license issued under this Part, or any right thereunder, may be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Department finds, after securing information, that the transfer is in accordance with the provisions of the Act and gives its consent in writing in the form of a license amendment.
- e) The authority to receive and process ores and to place byproduct material within any surface impoundment and disposal area expires on the date stated in the license. Any expiration date on a license applies only to the receipt and processing of ores and the emplacement of byproduct material. Failure to renew the license

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

shall not relieve the licensee of responsibility for implementing reclamation, decontamination, stabilization and closure, postclosure observation and maintenance, and transfer of the license to the ultimate governmental owner.

f) The license will terminate only on the full implementation of the final closure plan as approved by the Department, including postclosure observation and maintenance, and meeting the requirements of Section 332.140.

g) Notification of Bankruptcy:

1) The licensee shall notify the Department, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of 11 U.S.C. 101 et seq. (Bankruptcy) of the United States Code by or against:

- A) The licensee;
- B) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or
- C) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.

2) This notification must indicate:

- A) The bankruptcy court in which the petition for bankruptcy was filed; and
- B) the date of the filing of the petition.

h) The licensee shall submit written statements, as requested by the Department at any time before termination of the license, to enable the Department to determine whether the license should be modified, suspended, or revoked.

Section 332.120 Application for Renewal or Closure

a) At least 1 year prior to license expiration, the licensee shall notify the Department of its intent to either renew its license or to seek an amendment authorizing closure. At least 30 days prior to license expiration, the licensee shall file with the Department either an application for renewal of the license or an application for a license amendment authorizing closure.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

b) Applications for renewal of a license shall be filed in accordance with Sections 332.40 through 332.90. All applications for closure shall be filed in accordance with Section 332.130. Information contained in previous applications, statements, or reports filed with the Department under the license may be incorporated by reference.

c) In any case in which a licensee has filed an application in proper form for renewal of a license, the license does not expire until the Department has taken final action on the application for renewal.

d) In determining whether a license will be renewed, the Department will apply the criteria set forth in Section 332.100.

e) Upon evaluation of an application to amend the license for closure submitted in accordance with Section 332.130, the Department shall issue an amendment to the license authorizing closure if the assessment of the application demonstrates that the technical criteria of Sections 332.200 through 332.240 will be met.

Section 332.130 Contents of Application for Site Closure and Stabilization
Prior to beginning final closure of the licensed site, or as otherwise directed by the Department, the licensee shall submit an application to amend the license for closure. The application for amendment shall include an updated closure plan and shall provide the following specific information regarding site closure:

AGENCY NOTE: Other circumstances which would cause the Department to direct the licensee to submit an application for closure include, but are not limited to, failure to meet the technical criteria of this Part, failure to post and maintain adequate financial surety, or failure to meet the requirements of the Act.

a) Any additional geologic, hydrologic, or other data pertinent to the long-term containment of the emplaced byproduct material generated during the operational period.

b) The results of tests, experiments, or any other analyses relating to any surface impoundment and disposal area, closure, waste migration, and interaction with byproduct material or any other tests, experiments, or analyses pertinent to the long-term containment of the emplaced byproduct material within the disposal site.

c) Any proposed revision of plans for:

- 1) Decontamination and/or dismantlement of mill and surface impoundments;

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF ADOPTED RULES

- 2) Recontouring or backfilling of areas; or
- 3) Stabilization of the disposal area for postclosure care.
- d) Any information, not previously submitted to the Department, regarding the potential environmental impact of closure activities and long-term performance of the disposal site.

Section 332.140 Postclosure Observation and Maintenance

- a) The licensee shall observe, monitor, and maintain the licensed site until closure is complete and the license is terminated under the authorization of the Department in accordance with Section 332.150. The licensee shall be responsible for disposal site maintenance for 15 years after completion of closure. A longer time period for postclosure observation and maintenance will be required if the Department determines that the licensee has not designed and closed the disposal site in accordance with the closure plan specified in the license.

- b) During the postclosure period, the licensee shall conduct four disposal site inspections each year, once each season. Additional inspections shall be performed after each earthquake, which at the disposal site exceeds a level 6 on the Modified Mercalli Index, or flood, or abnormal change in climate, such as precipitation in excess of 10 times the seasonal average level. The results of the inspections, the monitoring data and the evaluation of the monitoring data shall be reported to the Department within 60 days after each inspection. The Department shall require more frequent disposal site inspections, if necessary to establish compliance with the requirements of Section 332.100, or if there has been unauthorized use of the disposal site.

Section 332.150 Termination of Source Material Milling Facility License

- a) Following closure and the period of postclosure observation and maintenance, the licensee may apply for termination of the license. The license shall be terminated when the Department finds:
 - 1) That the closure of the licensed site has been made in conformance with the licensee's closure plan, as amended and approved as part of the license;
 - 2) That the licensee has established that the technical criteria of this Part have been met;

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF ADOPTED RULES

- 3) That any long-term care funds and records are transferred to the federal or State agency that will assume institutional control of the disposal site;
- 4) That the federal or State agency that will assume responsibility for long-term care, observation, and maintenance of the disposal site is prepared to assume such responsibilities;
- 5) That permanent monuments or markers warning against intrusion have been installed;
- 6) That the U.S. Nuclear Regulatory Commission has made a determination of compliance with the decontamination, decommissioning, reclamation, and stabilization standards; and
- 7) That title to the byproduct material and to the disposal site has been transferred to the United States of America or the State.

- b) In addition to satisfying requirements in subsection (a) above, the licensed site, other than the buildings and disposal area, shall be decontaminated to the following limits prior to termination of the license:

- 1) Concentration of radionuclides in soil above background concentrations for total radium, averaged over areas of 100 square meters, shall not exceed:
 - A) 5 picocuries per gram of dry soil, averaged over the first 15 centimeters below the surface; and
 - B) 15 picocuries per gram of dry soil, averaged over layers of 15 centimeters thickness more than 15 centimeters below the surface.
- 2) The level of gamma radiation measured at a distance of 100 centimeters from the surface shall not exceed background.
- 3) Soil contamination levels with non-radioactive hazardous substances shall be less than the levels specified as contamination limits in other applicable State or federal regulations.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Section 332.160 General Requirements

Source material milling facilities, and byproduct material surface impoundments and disposal areas shall be sited, designed, operated, closed, and controlled after closure so that exposures to individuals will be within the requirements established in the technical criteria in Sections 332.170, 332.180, 332.190 and 332.240.

Section 332.170 Protection of the General Population from Radiation

- a) At all times, concentrations of radioactive material, excluding radon, thoron, and their progeny, which may be released to the general environment in groundwater, surface water, air, soil, or other means shall not result in a committed effective dose in excess of 25 millirem (0.25 mSv) to the whole body, and a committed dose equivalent in excess of 75 millirem (0.75 mSv) to the thyroid, and 25 millirem (0.25 mSv) to any other organ of a member of the public. Releases of radionuclides in effluents to the general environment shall be maintained as low as is reasonably achievable.
- b) During the operating life and facility decommissioning, the combined concentration of radon and thoron at the boundary of the licensed site, measured at a height of one meter from the surface, averaged annually, shall not exceed three picocuries per liter above the background concentration at the licensed site.
- c) The disposal area shall be designed so that after reclamation and stabilization, the annual total radon release rate through the cover from the byproduct material shall not exceed two picocuries per square meter per second. Furthermore, the direct gamma exposure rate from the byproduct material shall be reduced to background levels normal for areas in the vicinity.

Section 332.180 Protection of Individuals from Inadvertent Access

Design, operation, and closure of the facility disposal area shall protect any individual inadvertently entering onto the disposal site at any time after termination of the license by the Department.

Section 332.190 Protection of Individuals During Operations

Operations at a licensed site shall be conducted in compliance with the standards for radiation protection established in 32 Ill. Adm. Code 340, except that releases of radionuclides in effluents from the licensed site shall be governed by Section 332.170. Every effort shall be made to maintain radiation exposures as low as is reasonably achievable.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Section 332.200 Stability of the Byproduct Material Disposal Site After Closure

The disposal site shall be sited, designed, used, operated, stabilized and closed to achieve long-term stability and to eliminate the need for active maintenance following closure so that only surveillance, monitoring, or minor custodial care is required.

Section 332.210 Technical Criteria for Byproduct Material Disposal Sites - Siting Criteria

- a) Byproduct material shall be disposed of in a manner that provides containment of the material by preventing disturbances and dispersion by natural forces, and by doing so without active maintenance. In evaluating a byproduct material disposal site, the Department shall consider:
 - 1) Remoteness from populated areas;
 - 2) Hydrologic and other natural conditions as they contribute to continued immobilization and isolation of contaminants from groundwater sources; and
 - 3) Potential for minimizing erosion, disturbances, and dispersion by natural forces over the long term.
- b) The disposal site selection shall be an optimization, to the maximum extent achievable, of the features listed in subsection (a). At a minimum, however:
 - 1) The disposal site shall not be within a distance of 2.5 km (1.5 miles) from the boundary of any municipality without the consent of the governing body of the municipality. The disposal area must incorporate a distance between any waste disposal unit and the control boundary which is of adequate dimensions to carry out required environmental monitoring activities and remediation activities if necessary. In most cases, a distance of 100 meters would be adequate;
 - 2) The tailings and waste disposal site shall not be located in a 100-year flood plain, as defined in the rules of the Illinois Department of Transportation, 92 Ill. Adm. Code 706.Subpart C;
 - 3) The characteristics of the disposal site shall allow prediction, analysis and monitoring of any migration of effluents, e.g., the site geology must be simple enough to allow reliable hydrological modeling;

NOTICE OF ADOPTED RULES

- 4) The depth to the water table at the disposal site shall not permit groundwater intrusion, perennial or otherwise, into the waste;
- 5) The natural characteristics of the disposal site such as hydrology, geology, and topography shall contribute to continued immobilization and containment, and shall ensure that waste will be contained within the disposal site boundary for a period of at least 1,000 years after the decommissioning;
- 6) The disposal site shall not be located where other facilities, activities or land uses could adversely impact the ability of the site to meet the technical criteria of this Part, or mask the environmental impacts of the disposal area;
- 7) The disposal area structure shall not be located above a geologic fault system. The disposal site geology must be stable, i.e., mass wasting, erosion, slumping, or land sliding shall not adversely affect the long-term containment; and
- 8) The disposal area shall not be located near a capable fault that could cause a maximum credible earthquake larger than that which the disposal area could reasonably be expected to withstand. As used in this Part, the term "capable fault" has the same meaning as defined in Section III(g) of 10 CFR 100, Appendix A, in effect on January 1, 1989, exclusive of subsequent amendments or editions. The term "maximum credible earthquake" means that earthquake which would cause the maximum vibratory ground motion based upon an evaluation of earthquake potential considering the regional and local geology and seismology and specific characteristics of local subsurface material.
- c) When evaluating disposal sites, the Department shall place emphasis on containment of byproduct material, a matter having long-term impacts, as opposed to consideration only of short-term convenience, impacts or benefits. While containment of byproduct material will be a function of both site and engineering design, major consideration shall be given to siting features that pertain to the long-term nature of the hazards.
- d) To avoid the proliferation of small byproduct material disposal sites and reduce perpetual surveillance obligations byproduct material from in situ extraction operations, such as residues from solution evaporation or contaminated control processes, and wastes from small remote aboveground extraction operations shall be disposed of at existing large byproduct material disposal sites; unless, considering

NOTICE OF ADOPTED RULES

the nature of the wastes, such as their volume and specific activity, and the cost and environmental impacts of transporting the wastes to large disposal sites, such offsite disposal is demonstrated to be impracticable or the advantages of onsite burial clearly outweigh the benefits of reducing the perpetual surveillance obligations.

Section 332.220 Technical Criteria for Byproduct Material Disposal Sites - Design Criteria

- a) When submitting a proposed method of disposal for evaluation by the Department, the licensee shall either:
 - 1) Submit to the Department a plan describing how the licensee will dispose of byproduct material and contaminants below grade; or

AGENCY NOTE: The Department presumes that disposal of tailings by placement below grade, either in mines or in excavated pits, is the method of disposal which best furthers the objective of containment of byproduct material and contaminants without requiring active maintenance. However, below grade disposal is not the most environmentally sound approach if a groundwater formation is relatively close to the surface or not very well isolated by overlying soils and rock. Geologic and topographic conditions might make full below grade disposal impracticable.

- 2) Submit to the Department data which support the licensee's conclusion that disposal below grade is not the most environmentally sound approach, as well as a description of the licensee's alternative method for tailings disposal. The alternative method shall provide for excavation to the greatest degree achievable, given the geologic and hydrologic conditions at the site, so that the size of retention structures, and the steepness of slopes of associated exposed embankments shall be minimized. The licensee shall also demonstrate that its proposed above grade disposal program will provide containment of the byproduct material equivalent or superior to that which would be achieved from below grade disposal.
- b) Disposal site surfaces
 - 1) Embankment and cover slopes shall be relatively flat after final stabilization to minimize the potential for erosion and to provide conservative factors of safety assuring long-term stability. Final slopes shall be contoured to grades that are as close as possible to those which would be provided if byproduct material were disposed of below grade. Slopes shall not be steeper than 10 horizontal to 1 vertical.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- 2) All disposal site surfaces shall be contoured to avoid areas of concentrated surface runoff or abrupt or sharp changes in slope. In addition to rock cover on slopes, areas toward which surface runoff might be directed shall be well protected with rock cover or rip rap. Overall stability, erosion potential, and geomorphology of surrounding terrain must be evaluated to assure that there are not ongoing or potential processes, such as gully erosion, that would lead to disposal area instability.
- c) The disposal site and area, where feasible, shall be designed to incorporate features which will promote deposition. For example, design features which promote deposition of sediment suspended in any runoff which flows into the disposal area might be utilized; the object of such a design feature would be to enhance the thickness of cover over time.

d) The disposal site shall be designed so that the upstream rainfall catchment does not increase surface erosion or flooding of the disposal site.

e) A full self-sustaining vegetative cover shall be established or rock cover employed to control wind and water erosion. However, rock covering of slopes is unnecessary where:

- 1) top covers are very thick (on the order of 10m or greater);
- 2) impoundment slopes are very gentle (on the order of 10 horizontal: 1 vertical or less);
- 3) bulk cover materials have inherently favorable erosion resistance characteristics;
- 4) there is negligible drainage catchment area upstream of the disposal site; and
- 5) the topographic features of the disposal site provide wind protection.

f) Where rock cover is employed, in order to avoid displacement of rock particles by human and animal traffic, root invasion, or by natural process, and to preclude undercutting and piping, the following factors shall be accounted for in the rock cover design:

- 1) Shape, size, composition, and gradation of rock particles. Except for bedding material average particle size shall be at least cobble size or greater;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- 2) Rock cover thickness and zoning of particles by size;
- 3) Steepness of underlying slopes; and
- 4) Individual rock fragments shall be dense, sound, and resistant to abrasion, and shall be free from cracks, seams, and other defects that would tend to unduly increase their destruction by water and frost actions. Weak, friable, or laminated aggregate shall not be used.

Section 332.230 Technical Criteria for Byproduct Material Disposal Sites -
Groundwater Protection

a) In order to provide adequate protection of groundwater resources, the disposal site shall be designed and constructed to conform with the requirements of criterion 5 of 10 CFR 40, Appendix A, in effect on January 1, 1989, exclusive of subsequent amendments or editions. Criterion 13 of 10 CFR 40, Appendix A, in effect on January 1, 1989, identifies the constituents for which standards shall be set or complied with if the specific constituent is expected to be in or derived from the byproduct material and has been detected in groundwater.

b) The licensee shall establish a detection monitoring program needed for the Department to set the site-specific groundwater protection standards in subsection (a) above. The licensee or applicant shall propose for Department approval as license conditions which constituents are to be monitored on a site-specific basis. A detection monitoring program shall be designed and implemented to accomplish two purposes. The program shall be designed and implemented to detect leakage of the hazardous constituents from the disposal area so that the need to set groundwater protection standards is monitored. If leakage is detected, the program shall be designed and implemented to generate data and information needed for the Department to establish the standards under subsection (a) above. The data and information shall provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the Department to set the limits for those constituents and the compliance period. The data and information shall also provide the basis for adjustments to the point of compliance, if necessary.

c) Once groundwater protection standards have been established pursuant to subsection (a), the licensee shall establish and implement a compliance monitoring program. The purpose of the compliance monitoring program is to determine that the hazardous constituent concentrations in groundwater continue to comply with the standards

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

set by the Department. In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions. Any monitoring program required by this subsection may be based on existing monitoring programs to the extent the existing programs can meet the stated objective for the program.

Section 332.240 Technical Criteria for Byproduct Material Disposal Sites - Control of Radiation Hazards

- a) Licensees shall place an earthen cover over byproduct material at the end of source material milling operations and shall close the disposal site in accordance with a design which assures compliance with the requirements specified in Section 332.170(c) for a period of 1,000 years. Lands not decommissioned in accordance with Section 332.150(b)(1) shall be incorporated into the disposal area. Monitoring for total radon after installation of an appropriately designed cover is not required. Total radon emissions from cover material shall be estimated as part of developing a closure plan. The standard for total radon release rate specified in Section 332.170(c), however, applies only to emissions from byproduct material. In computing required byproduct material area cover thicknesses, average moisture in the cover shall be determined from similar soils and under similar circumstances. The effects of any synthetic layer shall not be taken into account in determining the calculated total radon release rate. If material other than soil is proposed as cover material, it shall be demonstrated that such material will not crack or degrade by differential settlement, weathering, or other mechanism, over long-term time intervals. Near surface cover material within the top three meters shall not include byproduct material or rock that contains elevated levels of radium; soils used for near surface cover shall be essentially the same, as far as radioactivity is concerned, as that of surrounding surface soils.

- b) The licensee shall ensure that disposal sites are closed in a manner that assures no active maintenance will be required. The licensee shall address the nonradiological hazards associated with the wastes in planning and implementing closure. To the extent necessary to prevent threats to human health and the environment, the licensee shall control or eliminate postclosure escape of nonradiological hazardous constituents, leachate, contaminated rainwater, or waste decomposition products to groundwater, surface water or to the atmosphere.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

Section 332.250 Technical Criteria - Source Material Milling Operations

- a) Liquids resulting from any of the mill processes shall not be released into surface streams. In addition, contaminated solutions, other than liquids resulting from any of the mill processes, shall not be released into the environment if the solutions have radionuclide concentrations in excess of those specified in 32 Ill. Adm. Code 340-Appendix A (see Table II, Column 2).
- b) Byproduct material shall be chemically and physically treated to immobilize or remove the contaminants.
- c) An independent quality assurance program shall be established to assure that specifications of the monitoring program detailed in the license are met. If adverse groundwater impacts or conditions conducive to adverse groundwater impacts occur, action shall be taken to alleviate the impacts or conditions and restore groundwater quality to levels consistent with those before operations began.
- d) Source material milling operations shall be conducted so that all airborne effluent releases are reduced to levels as low as is reasonably achievable. Emissions controls shall be used. Institutional controls, such as extending the licensed site boundary and exclusion area, may be employed to ensure that offsite exposure limits are met, but only after all practicable measures have been taken to control emissions at the source. Notwithstanding the existence of individual dose standards, strict control of emissions is necessary to assure that population exposures are reduced to the maximum extent reasonably achievable and to avoid site contamination. During operations and prior to closure, radiation doses from radon emissions from surface impoundments and disposal areas containing byproduct material shall be kept as low as is reasonably achievable. Checks shall be made and logged hourly of all parameters which determine the efficiency of product stack emission control equipment operation. It shall be determined whether or not conditions are within a range prescribed to ensure that the equipment is operating consistently near peak efficiency. Corrective action must be taken when performance is outside of prescribed ranges. Effluent control devices must be operative at all times during drying and packaging operations and whenever air is exhausting from the product stack. Drying and packaging operations shall terminate when controls are inoperative. When checks indicate the equipment is not operating within the range prescribed for peak efficiency, actions shall be taken to restore parameters to the prescribed range. When this cannot be done without shutdown and repairs, drying and packaging

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

operations shall cease as soon as practicable. Operations shall not be restarted after cessation due to abnormal performance until needed corrective actions have been identified and implemented. All such cessations, corrective actions, and restarts shall be reported to the Department, in writing, within ten (10) days of the subsequent restart.

- e) To control fugitive dust from tailings, all surfaces not covered by standing liquids shall be wetted or chemically stabilized. For Licenses initially granted after the effective date of this Part, management of tailings shall incorporate phased-in surface stabilization and reclamation. To control dusting from diffuse sources, operators shall develop written operating procedures specifying the methods of control which will be used.
- f) Byproduct material shall be managed so as to conform to the applicable provisions of 40 CFR 440, Ore Mining and Dressing Point Source Category: Effluent Limitations Guidelines and New Source Performance Standards, Subpart C, Uranium, Radium, and Vanadium Ores Subcategory, in effect on January 1, 1983, exclusive of subsequent amendments or editions.
- g) Licensees and applicants shall satisfy the requirements of 40 CFR 61, in effect on July 1, 1989, exclusive of subsequent amendments or editions.
- h) Inspection of the byproduct material impoundments and disposal areas:

- 1) The licensee shall conduct daily inspections of any surface impoundment and disposal site and document the results of the inspections. Records of the inspections shall be maintained for review by the Department for 5 years.
- 2) The licensee shall notify the Department within 2 hours by telephone and then within 48 hours by written report of any failure of a byproduct material surface impoundment or disposal area which results in a release of byproduct material into unrestricted areas. The licensee shall notify the Department, in writing, within 5 working days of any condition which was not anticipated in the design of the byproduct material surface impoundment or disposal area and, if not corrected, could cause failure of embankments or other structures containing the byproduct material and the release of byproduct material into unrestricted areas.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

- 3) In cases of failure of the byproduct material impoundment, the report shall be maintained for transfer to the governmental agency to which the title of the facility will be transferred.

Section 332.260 Financial Surety Requirements

- a) The license applicant shall establish financial surety arrangements, prior to the Department authorization of commencement of operations, to assure the availability of sufficient funds for decontaminating, decommissioning and reclaiming the source material milling facility and licensed site as well as the stabilization and closure of the byproduct material disposal site and the long-term care payment.
- b) An acceptable surety arrangement may consist of cash or negotiable securities deposited with the Department, irrevocable assignments of savings or certificates of deposit, or the deposit of an instrument executed by the applicant or licensee and a corporate surety or financial institution with the Department designated as the beneficiary. However, self insurance, or any arrangement which essentially constitutes self insurance (e.g., a contract with a State or federal agency) will not satisfy the surety requirement since this provides no additional assurance other than that which already exists through license requirements. The value of the deposit shall be equal to or greater than the amount of the surety required by subsection (c). Any surety arrangement must be available in Illinois subject to judicial process and execution in the event required for the purposes set forth in this Part.
- c) The amount of funds to be ensured by such surety arrangements shall be greater than or equal to the Department approved cost estimates for:
 - 1) decontamination, decommissioning, restoration, and reclamation of buildings and the licensed site;
 - 2) stabilization and closure of the disposal area; and
 - 3) the requirements of Section 332.270 for the long-term care payment.
- d) In establishing specific surety arrangements, the applicant's or licensee's cost estimates shall take into account the total costs that would be incurred if an independent contractor were hired to perform the work identified in subsections (c)(1) and (2).

e) To avoid duplication and expense, the Department will accept surety arrangements that have been consolidated with surety arrangements established to meet requirements of other agencies in Illinois for decontamination, reclamation, restoration, and disposal, if the applicant demonstrates, in writing, that such surety provides the same or a greater degree of protection for the licensed site, provided that such arrangements are adequate to satisfy these requirements and that the portion of the surety which covers the decommissioning, decontamination, reclamation, and stabilization of the site, and the long-term care payment is specifically identified and committed for use in accomplishing these activities.

f) The applicant's or licensee's surety arrangements will be reviewed annually by the Department to assure that sufficient funds will be available for completion of the closure plan if the work was to be performed by an independent contractor. The amount of surety shall be adjusted to recognize any increases or decreases resulting from inflation, changes in engineering plans, activities performed, and any other conditions affecting costs. Regardless of whether closure is phased through the life of the operation or takes place at the end of operations, a portion of the surety shall be retained until final compliance with the closure plan is determined by the Department.

g) The term of the surety mechanism shall be open-ended, unless the licensee proposes another arrangement which provides an equivalent or greater level of assurance. The surety instrument shall provide that the surety mechanism will not be cancelled unless the surety notifies both the Department and the licensee at least 90 days prior to cancellation. Proof of forfeiture shall not be necessary to collect the surety so that in the event that the licensee could not provide an acceptable replacement surety within the required time, the surety shall be automatically collected prior to its expiration or cancellation.

Section 332.270 Long-Term Care Payment

a) Prior to termination of a source material milling or byproduct material license, a minimum payment of \$250,000 (1978 dollars) to cover the cost of long-term care shall be paid by the licensee. If title and custody to land and byproduct material are transferred to the State, the payment shall be made to the State agency assuming custody. If title and custody are transferred to a federal agency, the payment shall be deposited in the general treasury of the United States.

b) If the cost of long-term care is determined on the basis of a site specific evaluation, to be greater than \$250,000 (1978 dollars), variance in the funding requirements shall be specified by the Department. The total amount of the payment must be such that with an assumed 1 percent annual real interest rate, the collected funds will yield interest in an amount sufficient to cover the annual costs of long-term care. The minimum funding requirement will be adjusted annually prior to actual payment to recognize inflation. The inflation rate to be used is that indicated by the change in the Consumer Price Index published by the U.S. Department of Labor, Bureau of Labor Statistics.

Section 332.280 Land Ownership

a) These requirements relating to ownership of byproduct material, mineral rights and disposal sites apply to all licenses terminated, issued, or renewed after the effective date of this Part.

b) Unless exempted by NRC, title to land (including any affected interests therein) which is used for the disposal of byproduct material, or is essential to ensure the long-term stability of the disposal area and the title to byproduct material shall be transferred to the United States of America or the State of Illinois, at the State's option, prior to the termination of the license. The applicant or licensee shall attempt to obtain ownership of severable subsurface interests and rights, and shall, in the event that certain rights cannot be obtained, provide notification in local public land records of the fact that the land is being used for the disposal of radioactive material and is subject to an NRC license prohibiting the disruption and disturbance of the radioactive material.

c) The use of the surface or subsurface estates, or both, of the lands transferred to the State or to the United States of America is prohibited unless the NRC determines by order that such use will not endanger the public health, safety, welfare, or environment. The person who transferred such lands to the State or to the United States of America shall have the right of first refusal with respect to such use of such lands.

d) Byproduct material and land transferred to the United States of America or the State in accordance with this section shall be transferred without cost to the United States of America or the State other than administrative and legal costs incurred in carrying out such transfer.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

e) The provisions of this Section respecting transfer of title and custody to land and byproduct material do not apply in the case of lands held in trust by the United States of America for any Indian tribe or lands owned by such Indian tribe subject to a restriction against alienation imposed by the United States of America. Where such lands are used for the disposal of byproduct material, the licensee shall enter into arrangements with the NRC as may be appropriate to assure the long-term care of such lands by the United States of America.

f) Prior to termination of the license, the licensee shall provide evidence that it will comply with ownership requirements of this Section.

Section 332.290 Maintenance of Records, Reports, and Transfers

a) Each licensee shall maintain any records and make any reports in connection with the license activities as may be required by the conditions of the license or by the rules, regulations, and orders of the Department.

b) Records which are required to be maintained by regulation or by license conditions shall be maintained for a time period specified in the applicable regulation or license condition. If a record retention period is not otherwise specified, these records shall be maintained and transferred to the officials specified in subsection (d) below as a condition of license termination unless the Department otherwise authorizes their disposition.

c) Records which shall be maintained pursuant to this Part may be the original, or a reproduced copy or microfilm if this reproduced copy or microfilm is capable of producing copy that is clear and legible at the end of the required retention period.

d) Copies of records of the location and quantity of byproduct material contained in the disposal site shall be transferred upon license termination to the Department, the agency responsible for long-term care, the U.S. Nuclear Regulatory Commission, the chief executive of the nearest municipality, the chief executive of the county in which the disposal site is located, the county zoning board or land development and planning agency, and the Governor.

e) Each licensee shall file a copy of its financial report or a certified financial statement annually with the Department in order to update the information base for determining the continued financial qualifications of the licensee.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

f) Each licensee shall submit status reports to the Department. The reports shall be submitted within 60 days after January 1 and July 1 of each year and shall cover the previous 6 months of operation. The reports shall include:

- 1) Specification of the quantity of each of the radionuclides released to unrestricted areas in liquid and gaseous effluents;
- 2) The results of the environmental monitoring program;
- 3) The data shall be reported in a manner that will permit the Department to confirm the potential annual radiation doses to the public;
- 4) A summary of licensee survey and maintenance activities;
- 5) A summary of activities and quantities of licensed material processed, stored, transferred, or disposed of; and
- 6) Any instances in which observed site, facility, process, or equipment characteristics were significantly different from those described in the application for a license; and
- 7) If the quantities of radionuclides released are more than 25% greater than those anticipated in the license application, or if unanticipated maintenance is performed, a discussion of the cause of the release or the reason for the maintenance.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Introduction
- 2) The Code Citation: 35 Ill. Adm. Code 601
- 3) Section Number: Adopted Action:
601.105 Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111, pars. 1017 and 1027.
- 5) Effective Date of Rule(s) (Amendments, Repealer): January 8, 1990
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: December 2, 1989.
- 9) Notice(s) of Proposal Published in Illinois Register: 13 Ill. Reg. 262, January 13, 1989.
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule(s):

On October 5, 1982, the Illinois Pollution Control Board adopted amendments to the Public Water Supply (35 Ill. Adm. Code Subtitle F) rules which established a maximum allowable concentration of 0.10 mg/l for Total Trihalomethanes (TTHMs) in finished drinking water. Trihalomethanes are organic chemicals consisting of one carbon atom, one hydrogen atom and three halogen atoms. These are formed when free chlorine

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

reacts with naturally occurring compounds which are generally produced by decaying vegetation. Research by the National Cancer Institute and the National Academy of Sciences shows that TTHMs may be carcinogenic and can lead to liver or kidney disorders, birth defects, and central nervous system damage.

This rulemaking extends the protections against TTHMs to smaller public water supplies, i.e., those serving fewer than 10,000 people. Generally, the proposal accomplishes two goals. First, the rules are proposed to require that surface water sources for supplies serving fewer than 10,000 individuals comply with the Maximum Allowable Concentration of Total Trihalomethanes (0.10 mg/l) by January 1, 1992. Second, the proposal establishes a monitoring system specifically for smaller supplies.

The amendments proposed to this Part are definitions of "point of maximum residence time" and "maximum residence time concentration." These definitions are necessary to a clear understanding of the proposed amendments.

The Board notes that these amendments will need to be later recodified in order to be made compatible with the "identical in substance" amendments recently proposed in R88-26 to implement Section 17.5 of the Environmental Protection Act [see Proposal for Public Comment, Illinois Register: Vol. #13, Issue #48 (December 1, 1989) pp. 18668 (Part 604); 18822 (Part 605); 18816 (Part 606); 18683 (Part 607); 18690 (Part 611)].

- 16) Information and questions regarding this adopted rule shall be directed to:

Daniel L. Siegfried
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-6923

The full text of the adopted rule(s) begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 601

INTRODUCTION

Section	General Requirements
601.101	Applicability
601.102	Severability
601.103	Analytical Testing
601.104	Definitions
601.105	References to Former Rules
Appendix A	

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1017 and 1027).

SOURCE: Filed with Secretary of State January 1, 1978; amended at 2 Ill. Reg. 36, p. 72, effective August 29, 1978; amended at 3 Ill. Reg. 13, p. 236, effective March 30, 1979; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 6 Ill. Reg. 14344, effective November 3, 1982; amended in R84-12 at 14 Ill. Reg. 1379, effective January 8, 1990.

Section 601.105 Definitions

For purposes of this Chapter:

"Act" means the Environmental Protection Act, as amended, (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1001 et seq.).

"Agency" means the Illinois Environmental Protection Board. "Board" means the Illinois Pollution Control Board.

"Boil Order" means a notice to boil all drinking and culinary water for at least five minutes before use, issued by the proper authorities to the consumers of a public water supply affected, whenever the water being supplied may have become bacteriologically contaminated.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Certified Laboratory" means any laboratory approved by the Agency or the Illinois Department of Public Health for the specific parameters to be examined, as set out in rules adopted pursuant to the Illinois Administrative Procedure Act, (Ill. Rev. Stat. 1987, ch. 127, pars. 1001 et seq.).

"Chemical Analysis" means analysis for any inorganic or organic substance, with the exception of radiological or microbiological analyses.

"Confined Geologic Formations" are geologic water bearing formations protected against the entrance of contamination by other geologic formations.

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone, added to water in any part of the treatment or distribution process, which is intended to kill or inactivate pathogenic microorganisms.

"Dose Equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

"Gross Alpha Particle Activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

"Gross Beta Particle Activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

"Ground Water" means all natural or artificially introduced waters found below the ground surface, including water from dug, drilled, bored or driven wells, infiltration lines, and springs.

"Halogen" means one of the chemical elements chlorine, bromine or iodine.

"Man-Made Beta Particle and Photon Emitters" means all radionuclides emitting beta particles and/or photons

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

listed in Maximum Permissible Body Burdens and maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, National Bureau of Standards (NBS) Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.

"Maximum Residence Time Concentration (MRTC)" means the concentration of total trihalomethanes found in a water sample taken at a point of maximum residence time in the public water supply distribution system.

"Maximum Total Trihalomethane Potential (MTP)" means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after 7 days at a temperature of 25°C or above.

"Official Custodian" means any officer of an organization which is the owner or operator of a public water supply, and who has direct administrative responsibility for the supply.

"Persistent Contamination" exists when analysis for total coliform is positive in one or more samples of a routine sample set, and when three or more subsequent check samples indicate the presence of contamination.

"Picocurie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformations per minute.

"Point Of Maximum Residence Time" means that part of the active portion of the distribution system remote from the treatment plant where the water has been in the distribution system for the longest period of time.

"Recurring Contamination" exists when analysis of total coliform is positive in one or more samples of a routine sample set, if this occurs four or more times in a calendar year.

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

"Re-sell Water" means to deliver or provide potable water, obtained from a public water supply subject to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

these regulations, to the consumer, who is then individually or specifically billed for water service, or where any monetary assessment is levied or required and specifically used for water service. Water supply facilities owned or operated by political subdivisions, homeowners associations, and not-for-profit associations, as well as privately owned utilities regulated by the Illinois Commerce Commission, are considered to sell water whether or not a charge is specifically made for water.

"Service Connection" is the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Surface Water" means all tributary streams and drainage basins, including natural lakes and artificial reservoirs, which may affect a specific water supply above the point of water supply intake.

"Surface Water Supply Source" means any surface water used as a water source for a public water supply.

"Supply" means a public water supply.

"Total Trihalomethanes (TTHM)" means the sum of the concentration in milligrams per liter of the trihalomethane compounds trichloromethane (chloroform), dibromochloromethane, bromodichloromethane and tribromomethane (bromoform), rounded to two significant figures.

"Trihalomethane (THM)" means one of the family of organic compounds named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

"Water Main" means any pipe for the purpose of distributing potable water which serves or is accessible to more than one property, dwelling, or rental unit, and is exterior to buildings.

(Source: Amended at 14 Ill. Reg. 1379, effective January 8, 1990)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS1) Heading of the Part:

Illinois Plumbing Code

2) Code Citation:

77 Ill. Adm. Code 890

3) Section Numbers:

890.120 Amendments
890.620 Amendments
890.630 Amendments
890.640 Amendment
890.730 Amendments
890.820 Amendments
890.830 Amendment
890.920 Amendment
890.1040 Amendments
890.1070 Amendments
890.1110 Amendments
890.1210 Amendment
890.1410 Amendment
890.1460 Amendment
890.1540 Amendment
890.1550 Amendment
890.1620 Amendment
890.1640 Amendment
890.1650 Amendment
890.1720 Amendment
890.1750 Amendments
890.2000 Amendment
890.2110 New Section
890.3010 New Section
890.3020 New Section
890.3030 New Section
890.3040 New Section
890.3050 New Section
890.3060 New Section
890.3070 New Section
890.3080 New Section
890.3090 New Section
890.4000 New Section

Adopted Action:

Amendments
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4) Statutory Authority:Illinois Plumbing Licensing Law
Ill. Rev. Stat. 1988, ch. 111, par. 1101 et seq.DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS5) Effective Date of Rules:

January 10, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes X No ___If "yes," please specify type: 6.02(a) X or 6.02(b) ___

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ___ No ___

8) Date Filed in Agency's Principal Office:

January 10, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

April 7, 1989 - 13 Ill. Reg. 4543

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ___ No X

If "yes," please complete the following:

A) Statement of Objection: ___ Ill. Reg. ___B) Agency Response: ___ Ill. Reg. ___C) Date Agency Response Submitted for Approval to the Joint Committee: ___11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

Section 890.120

The following words will be deleted from the definition of "Service Connection": "It is the end of the water surveyors jurisdiction and the Beginning of the Plumbing officials".

Section 890.620 (a) (2).

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

The first sentence which reads "yarning material used in the water piping system shall conform to ASTM specification No. C296-78 will be deleted. In addition, the 5th word in the second sentence "Asbestos" will be deleted.

Section 890.1070 (a)

The reference in Section 890.1070 (a) that refers to Section 890.1210 c) will be changed to "Section 890.1210 (d)".

Section 890.1070 (e)

The words "Accessibility Standards Illustrated" will be deleted and the words "Illinois Accessibility Code" will be inserted.

Section 890.1070 (f)

The words "Accessibility Standards Illustrated" will be deleted and the words "Illinois Accessibility Code" will be inserted.

This is the same as expressed in Section 890.1070 (e).

Section 890.1210 (b), (2), (D).

The Department neglected to show Plumbing Code rule 890.1210 (b), (2), (D) deleted as in the plumbing code and the rest of the rule was not submitted. In answer to written comments from the Capital Development Board and to correct an error the following is submitted as a new rule.

B) ~~Individual businesses which are part of a complex (under one roof); are open at all hours which the individual buildings are open; and are designed for the head of each individual building are not required to have individual restroom facilities for the public.~~

3) For those facilities where the number of individuals is not determinable, the following applications will be used.

A) Assembly Units and Open/Air Assembly Units, the occupancy content shall be based on the capacity of the rooms or spaces used for assembly purposes and shall be determined as follows:

- i) In rooms or spaces with fixed seating, the occupancy content shall be the actual number of seats provided. When no divisions between seats are provided, fixed seating shall be computed at eighteen inches per person.
- ii) In rooms or spaces without fixed seating, the occupancy content shall be determined by the dividing of the net

floor area (excluding the areas occupied by elevators, toilet rooms, stairways, other shaft enclosures, and by permanent fixtures such as bowling alleys, bars, cigar counters, exit facilities, entrance vestibules, lunch counters and serving spaces for same; etc.) by the floor area per person established in the following table:

OCCUPANCY	Floor Area Per Person (Sq. Ft.)
School classrooms (other than open-plan schools and recreation rooms)	20
Open-plan schools, school laboratories and shops	30
Museums, libraries and similar uses	20
Restaurants	15
Other assembly uses	6
Exhibition Area	20
Day Care Center	35
Other Occupancies	
In occupancies, other than Assembly Units, the occupancy contents shall be determined by dividing the net floor area within the perimeter of the space or building not including elevators, stairways, or other shaft enclosures by the floor area per person established in the following table:	
OCCUPANCY	Floor Area Per Person (Sq. Ft.)
Residential Units	125
Institutional Units	150
Business Units	100
Mercantile Units First Floor	30
Basement Sales Floor	30
Other Floors	60

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Industrial Units	400
Power Plants	100
Other Industrial Units	300
Storage Units	

c) Convenience-Accessibility-and Maintained in Sanitary Condition.
Plumbing fixtures installed for the use of the public shall be
installed so that such fixture is convenient, accessible and
maintained in a sanitary condition.

d) Plumbing and Handicapped. Minimum plumbing facilities for the
handicapped are contained in the publication, "Illinois
Accessibility Code". These standards are administered by the State
of Illinois Capital Development Board. A copy of the "Illinois
Accessibility Code" may be obtained by contacting the State of
Illinois Capital Development Board. Where plumbing fixtures are
installed for the handicapped such plumbing and plumbing fixtures
shall comply with these "Illinois Accessibility Code".

Section 890.1650 (a)

The "ASHRAE standard 90 (1986)" will be changed to "ASHRAE standard 90 (1980)."

Section 890.1650 (a)

The last sentence which says "point-of-use instantaneous water heaters (high temperature, non storage or storage of 64 fluid ounces or less, non-pressurized relative to atmosphere) shall meet the following requirements" will be deleted. It is a duplication of Section 890.1650 (a), (7) (A).

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

To reword the definition of "Non-Toxic Transfer Fluids" in Section 890.120 to state, in relevant part, "having no detrimental effects on humans under normal circumstances..."

To delete the word "probable" in Section 890.820(a)(3).

To remove the letters "RPZ" and insert the full name "reduced pressure principle backflow preventer (RPZ)" in Section 890.1540(d)(1)(A).

To add the following text to Section 890.1540(g)(6): "(See 35 Ill. Adm. Code 608)".

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

To add the following text to Section 890.3060(e): "(The shower heads are to be on a side wall or over-head so as not to spray water out of the shower cabinet to pond in areas other than the shower area)."

To add a comma after "Compression fittings" in Section 890.620(m)(1).

To place the closing period at the end of Section 890.920(c).

To place "the" before "event" in Section 890.1640(h)(1).

To underline the degree symbols in Section 890.1650(a)(7)(A), (B) and 890.3030(c) as new language.

To indent subparagraphs after the colon in the definition of "Public Water System" in Section 890.120 and format this in the same manner as the Administrative Code.

To delete the subparagraph numbers and hyphens between the text and defined terms in the definition of "Relief Valves" in Section 890.120 and to format this in the same manner as the Administrative Code.

To delete the subparagraph numbers in the definition of "Vacuum" in Section 890.120 and to format this in the same manner as the Administrative Code.

To delete and replace with a period the semi-colons for all newly defined terms in Section 890.120 as to conform with the format in the Administrative Code.

To include the balance of Section 890.1210 after subsection (b)(2) at the time of adoption of this rulemaking.

To show a period after "sewer" in Section 890.1410(d)(1) as new text.

To show a closing parenthetical in Section 890.1640(h) for "Astm A. 112-26 (1984)".

To place the text "Warning" appearing in Section 890.1650(a)(6) as centered so as to comply with the Administrative Code.

To add a comma after "prevent" and delete the last comma in the definition of "Cross Connection Control" in Section 890.120.

To delete "The use of" in Section 890.1070(a).

To delete and replace with a period the semi-colons appearing in all newly defined terms in Section 890.120 so as to conform with the format in the Administrative Code.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

To use small roman numerals in place of arabic numerals in Section 890.1540(c)(2)(A).

To change the definition of "Effective Opening" in Section 890.120 as follows: "Effective Opening": The effective opening is the minimum cross-sectional area at the point of water supply discharge, measured or expressed in terms of diameter of a circle. If the opening is not circular, the diameter of a circle of equivalent cross-sectional area shall apply. (This is applicable to sizing of an air gap.)

To replace the small "o" indicating degrees with the word "degrees" in the definitions of "horizontal pipe", "quarter bend", "side vent" and "vertical pipe" in Section 890.120.

To drop the text "/or" in the definition of "Safe Pan" in Section 890.120 leaving "and".

To change the word "non-hub" to "no-hub" in Section 890.620(p).

To delete "ASA B.3.1 and" from Section 890.630(b).

To remove the letters "g.p.m." and "gpm" respectively, and insert the words "gallons per minute" in Section 890.820(a)(3) and 890.3060(c).

To indent the table in Section 890.1540(c), label the note as an agency note, and change subsection (2) to subsection (d), and (d)(A)(1), (2), (3) and (4) to (d)(1)(A), (B), (C), and (D) and the former (2)(B) becomes (d)(2). Section 890.1540(d) will be changed to (e), 890.1454(e) will be changed to 890.1540(f), and 890.1540(f) will be changed to 890.1540(g). Subsection (f) of Section 890.1540 will have the subsection (1) appearing in Section 890.1540(e)(5)(C)(1) of the Department's second notice deleted.

To remove the words "Private Sewage Disposal Code", insert the words "Private Sewage Disposal Licensing Act and Code" with "Chap" changed to "ch" and the period in front of statutory citation will be deleted in Section 890.1550(j).

To change the words following the comma in the last sentence of Section 890.1640(a) to read "as required in par. (b) below and within Exhibit G: Table Q".

To change the letters PSI to pounds per square inch in Section 890.1640(i)(1).

To remove the letters "ASHRAE" and insert the words American Society of Heating, Refrigerating and Engineers, Inc. in Section 890.510(c) is proposed again within 60 days, the Department will delete the words "ASHRAE Standard 90 (1980)" in Section 890.1650(a) and insert the text

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

"ASHRAE".

To label the unlabeled paragraph as "(c)" in Section 890.1650(b) and delete the last sentence of that Section.

To relabel Section 890.1550 making subsection (f) into (e), and so on.

To show the "s" added to "restroom" in Section 890.1210(b)(2)(A) as added text.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ___ No X

14) Are there any other Amendments Pending on this Part? Yes ___ No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation

15) Summary and Purpose of Rules:

890.120 - This Section contains definitions of terms used in the Plumbing Code. All of which have been added to clarify the intent or meaning of the Plumbing Code. The terms added are backflow preventer (double check valve), backflow preventer double detector check, backflow preventer dual check, backflow preventer with intermediate atmospheric vent, backflow preventer reduced pressure zone, backsiphonage preventer, certified tester, closed water system, cross connection non-pressure type, cross connection pressure type, cross connection control, cross connection control by containment, cross connection control by isolation, grey water, non-toxic transfer fluids, open water system, pressure gradient monitor, service connection, toxic transfer fluids, vacuum and breaker hose type.

890.620(d) - A Federal requirement for labeling solder or flux lead

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

content as required in Section 4 of the Federal Hazardous Substances Act (15 USC 1263) has been included.

890.620(mA) - Compression fittings have been added to the list of allowed fittings for use with polyethylene pipe.

890.630(f) - Dresser type couplings have been removed and the use of compression type couplings has been added.

890.640(f) - Compression type couplings have been added for copper underground water tube.

890.730(b)4) - An additional method of providing access to rodding sanitary drainage lines has been added.

890.820 - A minimum size for grease traps has been established, and a method for sizing them.

890.830 - Specific square footage for floor drains in automotive areas and type of materials for gas/oil interceptors which are acceptable.

890.920 - Conversion factor for cubic foot gallons.

890.1040 - Clarification on faucets with internal modifications that permits hot/cold water to be interchanged.

890.1070 - This rule permits the installation of an energy efficient flushometer tank to an approved water closet bowl.

890.1110 - Prohibits water flowing from one individual's area to another's in public showers.

890.1210 - Provision has been included for restroom facilities for employees within a kiosk located in mall areas and public restrooms in certain buildings.

890.1410 - The protection of swimming pools from floor drains located in the deck area has been added to protect the quality of the pool water.

890.1460 - No plumbing fixture with potable water connected to it except service sinks may receive clear water wastes.

890.1540 - Definition's have been reworded to coincide with industry terms to parallel those of other State Departments and insure proper protection of potable water systems.

890.1550 - Requirements for connection of potable water lines to water treatment equipment, kidney dialysis machines and whirlpool tubs have been

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

added to protect potable water supplies.

890.1620 - A section of the code that needed clarification concerning valves in pits for potable water systems has been deleted.

890.1640 - The elimination of noise within building water supplies has been reworded to clarify confusing areas.

890.1650 - The requirements for water heaters to meet ASHRAE Standard 90 and the requirements for point-of-use instantaneous water heaters are listed in this change.

890.1720 - The location of sanitary sewers in relationship to wells has been added to requirements of the Plumbing Code.

890.1750 Subsection b) (5) - The addition of this rule prohibits drainage piping to be reduced in the direction of flow.

890.2000 - The requirement for fixtures on a horizontal line downstream from a water closet to be vented has been added to clarify the intent of the plumbing code.

890.2110 - The requirements for combination waste and vent systems has been rewritten to clarify the existing rule.

890.3010 - The requirements for stainless steel water closets within correctional facilities is listed.

890.3020 - The requirements for type of materials and construction for urinals within correctional facilities are listed.

890.3030 - The type of material, the type of construction, the type of drain, and the design of faucets for combination lavatory/toilets within correctional facilities are listed.

890.3040 - Material requirements, methods of construction, the use of valves, and the types of faucets for sinks and lavatory's within correctional facilities are listed as minimum requirements.

890.3050 - Minimum requirements for sinks within correctional facilities are listed. This includes the type of material, construction methods, type of faucets, use of metering valves, and the type of spout.

890.3060 - The size of individual shower cabinets, type of materials, design of shower hooks, soap dishes, shower heads, and requirements for non-skid floor surfaces within correctional facilities are given.

890.3070 - Types of flush valves used on urinals and water closets within

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

correctional facilities are listed.

890.3080 - Design of soap dishes for correctional facilities are listed.

890.390 - The minimum requirement for location of floor drains within correctional facilities are listed.

890.4000 - General requirements (material, fittings, devices, drainage, venting, water supply) of the Illinois Plumbing Code and Minimum standards for correctional facilities are referenced and listed.

The proposed rules will not impose additional economic effects on the general public. The proposed rules do not add new requirements or added expense to the installer or consumer. The rules only clarify existing rules and makes general accepted installation methods or types of fixtures and devices minimum plumbing requirements.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 890
ILLINOIS PLUMBING CODE

SUBPART A: DEFINITIONS

Section
890.110 General
890.120 Definitions

SUBPART B: GENERAL REGULATIONS

Section
890.130 Incorporation by Reference
890.210 Conformance with Code
890.220 Grade of Horizontal Piping
890.230 Change in Direction
890.240 Fittings and Connections
890.250 Repairs and Alterations
890.260 Underground Potable Water Piping-Piping Conveying Sewage
890.270 Trenching, Bedding, Tunneling and Backfilling
890.280 Structural Safety
890.290 Workmanship
890.300 Protection of Pipes
890.310 Exclusion of Materials Detrimental to the Sewage System
890.320 Industrial Wastes
890.330 Sleeves
890.340 Rat Proofing
890.350 Used Plumbing Material, Equipment, and Fixtures
890.360 Condemned Plumbing Material, Equipment, and Fixtures
890.370 Depth of Building Drains and Water Service (Outside of Building)
890.380 Piping in Relation to Footings
890.390 Drainage Below Sewer Level
890.400 Connection to Plumbing System Required
890.410 Sewer and/or Water Required
890.420 Location and Fixtures
890.430 Piping Measurements
890.440 Venting
890.450 Water Closet Connections
890.460 Dead Ends

SUBPART C: PLUMBING MATERIALS

Section
890.510 Materials

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

890.520 Special Materials
 890.530 Plastic Pipe, Tubing and Fittings for Potable Water Piping
 890.540 Plastic Pipe and Fittings for Drainage and Vent Piping Within and Without the Building
 890.550 Alternate Material and Methods
 890.560 Approved Materials

SUBPART D: JOINTS AND CONNECTIONS

Section
 890.610 Tightness
 890.620 Types of Joints
 890.630 Special Joints
 890.640 Use of Joints
 890.650 Unions
 890.660 Water Closet and Pedestal Urinal
 890.670 Prohibited Joints and Connections
 890.680 Waterproofing of Openings
 890.690 Increaseers and Reducers

SUBPART E: TRAPS AND CLEANOUTS

Section
 890.710 Traps
 890.720 Type and Size of Traps and Fixture Drains
 890.730 General Requirements
 890.740 Pipe Cleanouts
 890.750 Size of Cleanouts
 890.760 Cleanout Clearances
 890.770 Cleanout Equivalent
 890.780 Acid-Proof Traps

SUBPART F: INTERCEPTORS-SEPARATORS AND BACKWATER VALVES

Section
 890.810 Interceptors and Separators Required
 890.820 Grease Interceptors Required
 890.830 Gasoline, Oil and Flammable Liquids, Interceptors/Separators
 890.840 Sand Interceptors
 890.850 Venting of Interceptors/Separators
 890.860 Accessibility of Interceptor/Separator
 890.870 Interceptors Efficiency
 890.880 Laundries
 890.890 Bottling Establishments
 890.900 Slaughter Houses
 890.910 Food-Waste Grinders
 890.920 Oil Interceptors
 890.930 Backwater Valves-Sanitary System and Storm System

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: PLUMBING FIXTURES

Section
 890.1010 General Requirements - Materials
 890.1020 Alternate Materials
 890.1030 Overflows
 890.1040 Installation
 890.1050 Water Supply Protection
 890.1060 Prohibited Fixtures and Connections
 890.1070 Water Closets
 890.1080 Urinals
 890.1090 Strainers and Fixture Outlets
 890.1100 Lavatories
 890.1110 Shower Receptors and Compartments
 890.1120 Sinks
 890.1130 Food-Waste-Grinder Units
 890.1140 Drinking Fountains
 890.1150 Floor Drains
 890.1160 Dishwashing Machines
 890.1170 Multiple Wash Sinks
 890.1180 Garbage-Can Washers
 890.1190 Laundry Trays and Drains
 890.1200 Special Fixtures and/or Items Designed for a Particular Purpose
 890.1210 Minimum Number of Plumbing Fixtures

SUBPART H: HANGERS AND SUPPORTS

Section
 890.1310 Hangers and Supports
 890.1320 Vertical Piping
 890.1330 Horizontal Piping
 890.1340 Hanger and Anchors
 890.1350 Strains and Stresses
 890.1360 Base of Stacks

SUBPART I: INDIRECT WASTE PIPING, SPECIAL WASTE

Section
 890.1410 Indirect Waste Piping
 890.1420 Cleaning
 890.1430 Material and Size
 890.1440 Length and Scope
 890.1450 Air Gaps
 890.1460 Receptors
 890.1470 Special Wastes

SUBPART J: WATER SUPPLY AND DISTRIBUTION

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section
 890.1510 Quality of Water Supply
 890.1520 Color Code
 890.1530 Water Supply Mandatory
 890.1540 Protection of Potable Water
 890.1550 Vacuum Breakers and Air Gaps
 890.1560 Water Service Pipe
 890.1570 Water Pumping and Storage Equipment
 890.1580 Water Supply Tanks and Auxiliary Pressure Tanks
 890.1590 Disinfection of Potable Water System
 890.1600 Water Supply System Materials
 890.1610 Allowance for Character of Soil and Water
 890.1620 Water Supply Control Valves
 890.1630 Water Supply Distribution
 890.1640 Procedure in Sizing the Water Distribution System of a Building
 890.1650 Hot-Water Supply and Distribution
 890.1660 Safety Devices
 890.1670 Miscellaneous

SUBPART K: DRAINAGE SYSTEM

Section
 890.1710 Materials
 890.1720 Building Drain and Sewer Installation
 890.1730 Cleanouts
 890.1740 Drainage Fixture Units (D.F.U.)
 890.1750 Determination of Sizes for Drainage System
 890.1760 Offsets on Drainage Piping
 890.1770 Sanitary Wastes Below Sewer
 890.1780 Floor Drains
 890.1790 Frost Protection
 890.1800 Storm Water Drainage Within a Building

SUBPART L: VENTS AND VENTING

Section
 890.1910 Materials
 890.1920 Protection of Trap Seals
 890.1930 Vent Stacks
 890.1940 Vent Terminals
 890.1950 Frost Closure
 890.1960 Vent Grades and Connections
 890.1970 Fixtures Back-to-Back
 890.1980 Fixture Trap Vents
 890.1990 Types of Fixture Trap Vents
 890.2000 Installation of Vents for Fixture Traps
 890.2010 Installation of Wet Venting
 890.2020 Stack Venting

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

890.2030 Individual Fixture Reventing
 890.2040 Circuit and Loop Venting
 890.2050 Pneumatic Ejectors
 890.2060 Relief Vents
 890.2070 Offsets at an Angle Less than 45 Degrees From the Horizontal in Buildings of Five (5) or More Stories
 890.2080 Main Vents to Connect at Base
 890.2090 Vent Headers
 890.2100 Size and Length of Vents
 890.2110 Combination Waste and Vent (Floor Drains, Floor-Sinks, and Hub Drains)
 890.2120 Special Venting for Island Fixtures

SUBPART M: INSPECTION, TESTS, MAINTENANCE, AND ADMINISTRATION

Section
 890.2210 Inspections
 890.2220 Testing of Plumbing System
 890.2230 Test Methods
 890.2240 Maintenance
 890.2250 General Administration
 890.2260 Plumbing Code
 890.2270 Inspections
 890.2280 Violations
 890.2290 General

SUBPART N: PLUMBING SYSTEMS/CORRECTIONAL FACILITIES

890.3010 Water Closets
 890.3020 Urinals
 890.3030 Combination Lavatory/Toilet
 890.3040 Service Sinks/Lavatory
 890.3050 Sinks
 890.3060 Cabinet Showers
 890.3070 Flush Valves
 890.3080 Soap Dishes
 890.3090 Floor Drains
 890.4000 General Requirements

APPENDIX A Storm Drains

ILLUSTRATION A Expansion

APPENDIX B Suggested Regulations for Permits, Inspections, Tests, Maintenance and Administration for Use by Local

APPENDIX C Governmental Units Conducting a Plumbing Inspection Program Enforcement

APPENDIX D Alternate Designed Plumbing Systems

APPENDIX E U.S.P.H.S. List of Approved Coagulant Aids, Corrosive Control Chemicals, Treatment Chemicals, Liners, Grouts, Hoses, Tubings, Concrete Coatings/Admixtures, Sealants,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Paints and other Sundry Products

EXHIBIT A

- ILLUSTRATION A Illustrations from Subpart A
ILLUSTRATION B Air Gap Drawing #1
ILLUSTRATION C Air Gap Drawing #2
ILLUSTRATION D Battery of Fixtures
ILLUSTRATION E Branch
ILLUSTRATION F Branch Vent
ILLUSTRATION G Building Drain
ILLUSTRATION H Building Sub-drain
ILLUSTRATION I Circuit Vent
ILLUSTRATION J Common Vent
ILLUSTRATION K Continuous Vent
ILLUSTRATION L Drain
ILLUSTRATION M Fixture Drain
ILLUSTRATION N Flush Valve
ILLUSTRATION O Grade
ILLUSTRATION P Horizontal Branch
ILLUSTRATION Q Main Vent
ILLUSTRATION R Relief Vent
ILLUSTRATION S Return Offset
ILLUSTRATION T Revent Pipe
ILLUSTRATION U Stack Vent
ILLUSTRATION V Trap
ILLUSTRATION W Vent Stack
ILLUSTRATION X Wet Vent
ILLUSTRATION Y Yoke Vent
- EXHIBIT B Illustrations from Subparts B and D
ILLUSTRATION A Horizontal to Vertical Change of Direction
ILLUSTRATION B Horizontal to Horizontal Change of Direction
ILLUSTRATION C Vertical to Horizontal Change of Direction
ILLUSTRATION D Quarter Bends
ILLUSTRATION E Sleeves
ILLUSTRATION F Drainage Below Sewer Level
ILLUSTRATION G Dead Ends
ILLUSTRATION H Caulked Joints
ILLUSTRATION I Flared Joints
ILLUSTRATION J Positions of Application for Compression Type Joints
- EXHIBIT C Illustrations from Subparts E and F
ILLUSTRATION A Fixture Traps
ILLUSTRATION B Distance of Trap to Fixture
ILLUSTRATION C Types of Traps
ILLUSTRATION D Trap Cleanouts
ILLUSTRATION E Prohibited Traps
ILLUSTRATION F Underground Drainage
ILLUSTRATION G Concealed Piping
ILLUSTRATION H Small Pipes
ILLUSTRATION I Grease Interceptor
ILLUSTRATION J Typical Grease Trap Catch Basin

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- ILLUSTRATION K Interceptors/Separators Vents
ILLUSTRATION L Interceptors
ILLUSTRATION M Interceptors for Bottling Plants
ILLUSTRATION N Backwater Valve Location
EXHIBIT D Illustrations from Subparts G, H, and I
ILLUSTRATION A Prohibited Fixtures
ILLUSTRATION B Commercial Type Grinder #1
ILLUSTRATION C Commercial Type Grinder #2
ILLUSTRATION D Protective Guard
ILLUSTRATION E Trap and Strainer
ILLUSTRATION F Circular Type Wash Sinks
ILLUSTRATION G Cast Iron Soil Pipe Support #1
ILLUSTRATION H Cast Iron Soil Pipe Support #2
ILLUSTRATION I Horizontal Piping Support
ILLUSTRATION J Cast Iron Soil Stack Support
ILLUSTRATION K Indirect Waste Piping #1
ILLUSTRATION L Indirect Waste Piping #2
ILLUSTRATION M Indirect Waste Piping #3
ILLUSTRATION N Indirect Waste Piping #4
ILLUSTRATION O Indirect Waste Connection
ILLUSTRATION P Air Gaps
EXHIBIT E Illustrations from Subparts J and K
ILLUSTRATION A Cross Connection #1
ILLUSTRATION B Cross Connection #2
ILLUSTRATION C Cross Connection #3
ILLUSTRATION D Flushometer Valve
ILLUSTRATION E Underground Water Piping #1
ILLUSTRATION F Underground Water Piping #2
ILLUSTRATION G Underground Water Piping #3 (Repealed)
ILLUSTRATION H Water Supply Control
ILLUSTRATION I Shut-Off Valve at Meter
ILLUSTRATION J Separate Controls for Each Family Unit
ILLUSTRATION K Shut-Off Valves in Buildings Other Than Dwellings
ILLUSTRATION L Typical Gas Water Heater
ILLUSTRATION M Typical Electric Water Heater
ILLUSTRATION N P & T Valve Installed in Hot Outlet Line
ILLUSTRATION O P & T Relief Valve
ILLUSTRATION P Offsets on Drainage Piping
ILLUSTRATION Q Above Highest Branch
ILLUSTRATION R Below Lowest Branch
ILLUSTRATION S Relief Vent
ILLUSTRATION T Sanitary Wastes Below Sewer
EXHIBIT F Illustrations from Subpart L
ILLUSTRATION A Installation of Vent Stack or Main Vent
ILLUSTRATION B Terminal
ILLUSTRATION C Main Stack
ILLUSTRATION D Roof Garden
ILLUSTRATION E Location of Vent Terminal

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ILLUSTRATION F	Grade
ILLUSTRATION G	Vertical Rise
ILLUSTRATION H	Height Above Fixtures
ILLUSTRATION I	Heel or Side-Inlet
ILLUSTRATION J	Fixtures Back-to-Back and Side-by-Side
ILLUSTRATION K	Distance of Trap to Vent
ILLUSTRATION L	Trap Weir
ILLUSTRATION M	Trap Vent
ILLUSTRATION N	Common Vent
ILLUSTRATION O	Vertical Wet Vent
ILLUSTRATION P	Hydraulic Gradient
ILLUSTRATION Q	Single Bathroom Groups
ILLUSTRATION R	Double Bath
ILLUSTRATION S	Multistory Bathroom Groups - Plan
ILLUSTRATION T	Multistory Bathroom Groups - Elevation
ILLUSTRATION U	One-Bathroom Group - Plan
ILLUSTRATION V	One-Bathroom Group - Elevation
ILLUSTRATION W	Battery Venting
ILLUSTRATION X	Dual Branches
ILLUSTRATION Y	Right and Wrong Vent Connections
ILLUSTRATION Z	Fixtures Back-to-Back in Battery
ILLUSTRATION AA	Fixture Connections - Offset Vents
ILLUSTRATION BB	Main Vents
ILLUSTRATION CC	Combination Waste and Vent
ILLUSTRATION DD	Special Venting for Island Fixtures
EXHIBIT G	Tables
TABLE A	Size of Vertical Conductors and Downspouts
TABLE B	Size of Horizontal Storm Drains
TABLE C	Size of Gutters
TABLE O	Plumbing Materials, Equipment, Use Restrictions and Applicable Standards
TABLE E	Size of Cleanouts
TABLE F	Minimum Number of Plumbing Fixtures
TABLE G	Minimum Air Gaps for Plumbing Fixtures
TABLE H	Demand Load
TABLE I	Drainage Fixture Units (DFU) Per Fixture Group
TABLE J	Fixtures Not Listed in Table I
TABLE K	Building Drains
TABLE L	Horizontal Fixture Branches and Stacks
TABLE M	Distance of Fixture Trap From Vent
TABLE N	Size of Vent Stacks
TABLE O	Size and Length of Vents
TABLE P	Horizontal Circuit and Loop Vent Sizing Table
TABLE Q	Size of Openings and Maximum Number of Discharge Openings

AUTHORITY: Implementing and authorized by Section 35 of the Illinois Plumbing License Law (Ill. Rev. Stat. 1987, ch. 111, par. 1133).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Filed August 20, 1969; amended at 7 Ill. Reg. 4245, effective March 24, 1983; emergency amendment at 7 Ill. Reg. 7328, effective May 31, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 13930, effective October 12, 1983; codified at 8 Ill. Reg. 19993; amended at 8 Ill. Reg. 24621, effective December 12, 1984; amended at 9 Ill. Reg. 13340, effective August 21, 1985; amended at 10 Ill. Reg. 7862, effective May 16, 1986; amended at 11 Ill. Reg. 9278, effective April 30, 1987; amended at 14 Ill. Reg. 1385, effective January 10, 1990.

SUBPART A: DEFINITIONS

Section 890.120 Definitions

"Abutting": To border, to touch, to terminate at point of contact, adjacent.

"Accessible": Accessible means having access thereto but which first may require the removal of an access panel, door or similar obstruction. Readily accessible means direct access without the necessity of removing or moving any panel, door or similar obstruction.

"Adjacent": Same as abutting.

"Air Gap": The air gap in a water-supply system is the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank or plumbing fixture and the flood-level rim of the receptacle. See Exhibit A: Illustrations A and B.

"Anchors": A reliable, rigid support for securing pipe, fixtures, and equipment to walls, ceilings, floors, or any other structural members.

"Anti-Siphon Ball Cock": An anti-siphon ball cock is a device consisting essentially of a float valve equipped with a flow-splitter to provide for tank and trap refill, which has an integral vacuum breaker, and which is used in conjunction with water closet flush tanks.

"Approved": Approved means accepted or acceptable under an applicable specification stated or cited in this code or accepted as suitable for the proposed use. Accepted as satisfactory.

"Area Drain": A drain placed in the floor of a basement area way, a depressed or basement entry way, a loading platform, or a paved driveway which cannot otherwise be drained.

"Aspirator": A device supplied with fluid under positive pressure which passes through an integral orifice or construction causing a partial vacuum. A hollow tubular instrument connected with a partial vacuum and used to remove fluid or tissue or foreign bodies from the body.

"Backflow": Backflow denotes the reversal of flow from that normally intended. Back-siphonage is one type of backflow.

"Backflow Connection": Backflow connection or condition is any arrangement whereby backflow can occur.

"Backflow Preventer": A backflow preventer is a device to prevent backflow into the potable water supply system. A device which prevents contaminated water or liquids from being siphoned into the potable water supply system. A backflow preventer is also a device to prevent backflow into the building drainage system.

"Backflow Preventer, Double Check Valve (DCV)": A backpressure backflow preventer designed to operate under continuous or intermittent pressure, including backpressure.

"Backflow Preventer, Double Detector Check (DDC)": A backpressure backflow preventer designed to serve also as a detector check on fire protection systems. It includes a line-size double check valve backflow preventer with a metered by-pass, into which has been incorporated a three-quarter inch double check valve backflow preventer.

"Backflow Preventer, Dual Check (DuC)": A backpressure backflow preventer designed especially for isolating water systems to residences, mobile homes, etc., and for isolating residential lawn sprinkler systems, etc.

"Backflow Preventer, Reduced Pressure Zone (RPZ)": A back pressure and backsiphonage backflow preventer designed to operate under continuous pressure, including back pressure.

"Backflow Preventer with Intermediate Atmospheric Vent (IAV)": A small back pressure and backsiphonage backflow preventer designed to operate under continuous pressure, including back pressure.

"Back Pressure": Back pressure is an opposing pressure which causes or tends to cause liquid or air to flow in the direction opposite to the normal direction of flow in a closed conduit.

"Back Siphonage": The flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel or other source into a negative pressure in such pipe. See: backflow, cross connection.

"Back/Siphonage Preventer": A device designed to prevent reverse flow in a water system. The term should be used only where no back pressure is implied.

"Ball Cock": A device consisting of a float valve, equipped with a flow-splitter to provide a tank and trap refill, used in conjunction with a flush tank on a water closet.

"Battery of Fixtures": A battery of fixtures is any group of 2 or more similar adjacent fixtures which discharge into a common horizontal waste or soil branch. See Exhibit A, Illustration C.

"Boiler Blow-Down": Boiler blow-down is a controlled outlet on a boiler to permit emptying or discharging of sediment.

"Branch": A branch is any part of the piping system other than a main, riser, or stack. See Exhibit A, Illustration D.

"Branch Interval": A branch interval is a length of soil or waste stack corresponding in general to a story height, but in no case less than 8 feet within which the horizontal branches from one floor or story of a building are connected to the stack.

"Branch Vent": A branch vent is a vent connecting one or more individual vents with a vent stack or stack vent. See Exhibit A, Illustration E.

"Building": A building is a structure, built, erected, and framed in component structural parts designed for the housing, work, recreation, shelter, enclosure, or support of persons, animals, or property of any kind.

"Building Classification": Building classification is the arrangement adopted by the Department for the designation of buildings in classes based upon their use or occupancy.

"Building Drain": The building (house) drain is that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the buildings and conveys it to the building (house) sewer. The building drain terminates five (5) feet outside the building foundation wall. See Exhibit A, Illustration F.

"Building Sewer": The building (house) sewer is that part of the horizontal piping of a drainage system which extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal. The building sewer

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

commences five (5) feet outside the building foundation wall.

"Building Storm Drain": A building storm drain is the lowest horizontal portion of the storm drainage system used for conveying rain water, surface water, ground water, subsurface water, condensate, cooling water, or other similar liquid waste (excluding sewage) to a point five feet beyond the outside of the building foundation wall.

"Building Storm Sewer": A sewer which is used for conveying rain water, surface water, ground water, sub-surface water, site drainage, condensate, cooling water or other similar liquid waste (excluding sewage) from the building storm drain to the storm sewer or other approved point of discharge.

"Building Sub-drain": A building sub-drain is that portion of a sanitary drainage system (See Definition of Drainage System) which cannot drain by gravity into the building drain. See Exhibit A, Illustration G.

"Building Trap": A building (house) trap is a device, fitting or assembly of fittings installed in a building drain to prevent circulation of air between the drainage system of the building and the building sewer.

"Certified Tester": A person qualified to make inspections, test, and repair cross-connection-control devices; and who has proved his competency to the applicable regulatory agency(s). This is required by the Illinois Environmental Protection Agency within 35 Ill. Adm Code 608.

"Chemical Waste System": Piping which conveys to the drainage system corrosive or harmful industrial, chemical, or processed waste.

"Circuit Vent": A circuit vent is a branch vent that serves two or more traps and extends from the front of the last fixture connection of a horizontal branch to the vent stack. This type of venting applies only to floor drains and floor outlet fixtures which depend on self-siphonage for proper operation. See Exhibit A, Illustration H.

"Closed Water System". One with a checking device installed in the service pipe. A check valve, backflow preventer, or pressure reducing valve creates a closed water system.

"Code": The word "code" when used alone shall mean this part, subsequent amendments thereto, or any emergency rule which the Department may lawfully adopt. In order for a plumbing code to be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

enforceable, it must be at the state level authorized by statute and promulgated pursuant to such statute. At the local level, i.e., county, city, town, village, sanitary or water district, must by ordinance or resolution adopt a plumbing ordinance or plumbing resolution and a plumbing code and such ordinance or resolution and code must be filed with the clerk's office. Standards for plumbing contained in a code that has not been officially adopted can only be construed as being a recommended standard.

"Combination Fixture": A combination fixture is a fixture combining one sink and tray or a two or three compartment sink or tray in one unit.

"Combination Waste and Vent System": A combination waste and vent system is a system of waste piping embodying the horizontal wet venting of one or more floor drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the flow line of the drain.

"Combined Building Sewer": A combined building sewer receives storm water and sewage.

"Common Vent": A common vent is a vent connecting at the junction of two fixture drains and serving as a vent for both fixtures. See Exhibit A, Illustration I.

"Common Waste": A common waste is a drain from a fixture containing multiple compartments connected to a single trap.

"Conductors": A pipe inside the building which conveys storm water from the roof to a storm drain or sewer. See "downspout" or "leader."

"Contaminated Water": Contaminated water is water not suitable for human consumption and does not meet public health standards.

"Continuous Vent": A continuous vent is a vertical vent that is a continuation of the drain to which it connects. The drain may be either vertical or horizontal, but the vent must be vertical and a continuation of the drain. A continuous vent is also known as a back vent or an individual vent. See Exhibit A, Illustration I.

"Continuous Waste": A continuous waste is a drain from a combination fixture connected to a single trap.

"Critical Level": The words "critical level" shall mean the mark on an atmospheric vacuum breaker established by the manufacturer and stamped -CL-. This determines the minimum elevation above the flood-level rim or top of the fixture whichever shall apply, at which

the device shall be installed. When an atmospheric vacuum breaker does not bear a critical level marking, the bottom of the vacuum breaker, shall constitute the critical level.

"Cross Connection": A cross connection is any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two piping systems.

"Cross-Connection Control (CCC)": An activity designed to prevent, discover, and eliminate all cross-connections.

"Cross-Connection Control by Containment": The installation of a backflow preventer at the service-connection to a premises to protect the water main.

"Cross-Connection Control By Isolation": The installation of a backflow preventer or a vacuum breaker at each cross-connection in a premises to protect both the premises and water main.

"Cross-Connection, Nonpressure Type": A submerged inlet installation where a potable water pipe is connected or extended below the overflow rim of a receptacle, or an environment, that contains a nonpotable fluid, and is at atmospheric pressure.

"Cross-Connection, Pressure Type": An installation where a potable water pipe is connected to a closed vessel or piping system that contains nonpotable fluid, and above atmospheric pressure.

"Dead End": A dead end is a branch leading from a soil, waste, vent pipe, building drain, or building sewer, which is terminated at a developed distance of two (2) feet or more by means of a plug or other closed fitting, except piping serving as a cleanout extension to an accessible area.

"Developed Length": The developed length of a pipe is its length along the center line of the pipe including fittings.

"Diameter": The length of a straight line through the center of an object. The diameter of piping is measured from the inside wall to inside wall.

"Downspout": Downspout is the vertical portion of a rain water pipe. A pipe leading downward; a pipe to carry off rain water from a roof. See "leader."

"Drain": A drain is any pipe which carries waste water or water borne waste in a building drainage system. See Exhibit A, Illustration K.

"Drain Laying" (trade of): Drain laying encompasses the laying and connecting of piping from five (5) feet from the foundation walls of a building to the sewer service lateral in the street-alley, or shall include the laying and connection stub provided for this purpose.

"Drainage System": A drainage system (drainage piping) includes all piping within public or private premises, which conveys sewage, rain, or other liquid wastes to a point of disposal, but does not include the mains of a public sewer system or a private or public sewage treatment or disposal plant. The drainage system does not include the venting system. Drainage and venting are separate systems though both are part of the overall plumbing design.

"Durham System": Durham system is a soil or waste system where all piping is of threaded pipe, using recessed drainage fittings.

"Effective Opening": The effective opening is the minimum cross-sectional area at the point of water-supply discharge, measured or expressed in terms of (1) diameter of a circle; (2) If the opening is not circular, the diameter of a circle of equivalent cross-sectional area. (This is applicable to sizing of an air gap.)

"Existing Work": Existing work is a plumbing system or any part thereof which has been installed prior to the effective date of this code. For local governmental units that have adopted a local plumbing ordinance and plumbing code, the definition of "existing work" would be existing work in a plumbing system or any part thereof which has been installed under authorization of a previously issued permit.

"Fixed": To be stationary, immovable or unalterable as in a fixed air gap. It means the unobstructed and vertical distance through the free atmosphere between the stationary water discharge point and the flood level rim of the receptacle.

"Fixture Branch": A fixture branch is a water-supply, soil or waste pipe serving more than one fixture.

"Fixture Carrier": A fixture carrier is a metal unit designed to support an off-the-floor plumbing fixture.

"Fixture Drain": A fixture drain is the outlet pipe from the trap of a fixture to the junction of that drain with any other drain pipe. See Exhibit A, Illustration L.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Fixture Supply": A water supply pipe connecting the fixture with the fixture water supply branch.

"Fixture-Unit, Drainage": A fixture-unit, drainage is the mathematical factor used by the plumbing industry as a means of estimating the probable load in the drainage system caused by discharge of various plumbing fixtures. This factor has proven reliable as it was developed after many years of practical experience and supported by laboratory testing and research.

AGENCY NOTE: Laboratory tests have shown that the rate of discharge of an ordinary lavatory with a normal 1-1/4" outlet, trap, and waste is about 7.5 gallons per minute. This figure is so near to one cubic foot per minute that "one cubic foot per minute" has become the accepted flow rate of one fixture unit.

"Fixture-Unit, Water Supply": Fixture-unit, water supply is the mathematical factor used by the plumbing industry as a means of estimating the probable demand on the water supply system (volume, duration of flow, and intervals between operations) by various plumbing fixtures. This factor has proven reliable as it was developed after many years of practical experience and supported by laboratory testing and research.

"Float Valve": A float valve is a positive opening valve, operated by a float, used to control the water level in a vessel, tank, or other container.

"Flood Level": The flood level is the elevation at which impounded fluid will overflow.

"Flood-Level Rim": The flood-level rim is the top edge of the receptacle from which water overflows.

"Flooded": A fixture is flooded when the liquid therein rises to flood-level rim. This term applies to any fixture which is part of the plumbing system.

"Flush Valve": A flush valve is a device for the purpose of flushing water closets and other similar fixtures. See Exhibit A, Illustration M.

"Flushometer Valve": A flushometer valve is a device which discharges a predetermined quantity of water to fixtures for flushing purposes and is actuated by direct water pressure.

"Grade": Grade is the fall (slope) of a line of pipe in reference to a horizontal plane. In drainage, it is usually expressed as the fall

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

in a fraction of an inch per foot length of pipe. This may also be expressed as a percentage. See Exhibit A, Illustration N.

"Grease Interceptor": A device designed and installed so as to separate and retain deleterious, or undesirable grease matter from normal sewage waste while permitting the normal sewage waste or liquid waste to discharge into the drainage system by gravity. See "Interceptor."

"Grease Trap": See "grease interceptor."

"Grey Water": Waste water such as dishwater, laundry waste, and other waste water not containing fecal matter.

"Group of Fixtures": A group of fixtures means two or more fixtures adjacent or near each other. See Section 890.1620(e).

"Hangers": Devices for supporting and securing pipe, fixtures, and equipment to walls, ceilings, floors, or any other structural member.

"Horizontal Branch": A horizontal branch is a drain pipe extending laterally from a soil or waste stack or building drain, with or without vertical sections or branches, which receives the discharge from one or more fixture drains and conducts it to the soil or waste stack or to the building drain. See Exhibit A, Illustration O.

"Horizontal Pipe": Horizontal pipe means any pipe or fitting which makes an angle of less than 45 degrees with the horizontal.

"Hose": A flexible tube for conveying fluids (as from a faucet or hydrant).

"Hose Bibb": A faucet to which a hose may be attached.

"House Drain": See building drain.

"House Trap": See building trap.

"Hydrant": A threaded valve outlet to which a flexible hose may be attached.

"Indirect Waste": An indirect waste is a pipe that does not connect directly with the drainage system but conveys liquid waste by discharging through an air gap into the drainage system.

"Individual Sewage Disposal System (Private Sewage Disposal System)": This means any sewage handling or treatment facility receiving domestic sewage from less than fifteen (15) people or

NOTICE OF ADOPTED AMENDMENTS

1413
90

population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge. Refer to Private Sewage Disposal Licensing Act (Ill. Rev. Stat. 1987, 1981 ch. 111 1/2, pars. 116.301 et seq.) and Code (77 Ill. Adm. Code 905), Illinois Department of Public Health.

"Individual Vent": An individual vent is a pipe installed to vent a fixture trap and which connects with the vent system above the fixture served or terminates in the outside atmosphere.

"Individual Water Supply (Private Water Supply)": A water supply system serving one or more families independent of a public water supply system.

"Industrial Wastes": Industrial wastes are liquid wastes resulting from the processes employed in industrial establishments and are free of human and animal waste.

"Insanitary": Contaminated. Unclean enough to endanger health. Contrary to acceptable sanitary practices. Potential health hazard.

"Interceptor": An interceptor is a device designed and installed to separate and retain deleterious, hazardous, or undesirable matter from normal waste and permit normal sewage or liquid waste to discharge into the drainage system.

"Invert": The invert is the floor, bottom, or lowest part of the internal cross-section of a pipe or conduit.

"Island Fixture Vent": A vent in which the vent pipe rises as near as possible to or above the highest water level in the fixture vented and then turns down before connecting to the stack or main vent. See Section 890.2120 Island Fixture Vent.

"Leaching or Seepage Pit": A pit or receptacle having porous walls which permit the contents to seep into the ground.

"Leader": See "downspout"; "conductor".

"Length of Pipe": Length of pipe is the overall distance measured along the center line of a pipe. See "developed length."

"Liquid Waste": Liquid waste is the discharge from any fixture, appliance, or appurtenance, in connection with a plumbing system which does not receive fecal matter.

"Load Factor": The load factor is the percentage of the total

NOTICE OF ADOPTED AMENDMENTS

connected fixture unit flow rate which is likely to occur at any point in the drainage system. The load factor varies with the type of occupancy, the total flow unit above this point being considered, and with the probability factor of simultaneous use. Load factor represents the ratio of the probable load to the potential load. It is determined by the average rates of flow of the various kinds of fixtures, by the average frequency of use, by the duration of flow during one use, and by the number of fixtures installed.

"Local Ventilating Pipe": A local ventilating pipe is a pipe on the fixture side of the trap through which vapors or gases or foul air are removed from a room or fixture to the outside atmosphere. Certain special apparatus, such as sterilizers, are sometimes provided with a local ventilating pipe in order to remove vapors. A local ventilating pipe is not connected into the vent piping of the drainage system.

"Loop Vent": A circuit vent which loops back to connect with a stack vent instead of a vent stack and is limited to floor drains and floor outlet fixtures which depend on self siphonage for proper operation.

"Main": The main of any piping system is the principal artery of the system to which branches may be connected.

"Main Vent": The main vent is the principal artery of the venting system to which vent branches may be connected. See Exhibit A, Illustration P.

"Maximum Demand": In plumbing the greatest requirement of flow of either water supply or waste discharge from the fixtures of a building, or any specific segment thereof.

"May": The word may is a permissive term.

"Manhole": A manhole is an opening constructed to permit a person to gain access to an enclosed space. A manhole is an opening constructed in a sewer or any portion of the plumbing system to eliminate restriction of flow at changes of direction or junction and to facilitate cleaning.

"Minor Repairs": Minor repairs do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or reinstallation of any pipe or plumbing fixture.

"New Work": Any plumbing system, part thereof, or addition to or alteration of an existing system, being installed or recently completed.

"Non-Potable Water": Non-potable water is water that does not meet public health standards for drinking water and is not suitable for human consumption.

"Non-Toxic Transfer Fluids": Fluids having no detrimental effect on humans under normal circumstances including propylene glycol, mineral oil, polydimethyl siloxane, freon, and FDA approved boiler water additives for steam boilers.

"Occupancy": For the purpose of this code, occupancy shall mean taking possession of and living in as a sole and exclusive residence for a period of not less than six (6) months after the completion of construction of the single family residence or issuance of a Certificate of Occupancy by a unit of local government.

"Offset": An offset in a line of piping is a combination of elbows or bends which brings one section of the pipe out of line into a line parallel with the other section.

"Open Plumbing": Installation of plumbing so that traps and drainage pipes and their surroundings beneath fixtures are ventilated, accessible, and open to inspection. Exposed plumbing installation.

"Open Water System": A water system with no checking device installed in the service pipe.

"Peppermint Oil": A pungent, aromatic mint oil sometimes used in testing a drain, waste and vent system by pouring peppermint oil down each roof terminal followed by hot water; the roof terminals are closed and the odor of peppermint indicates a leak.

"Peppermint Test": A test for leakage using peppermint oil and heated or hot water as the media and the sense of smell as the determining factor.

"Percolation": Percolation is the flow or trickling of a liquid downward through a contact or filtering medium; the liquid may or may not fill the pores of the medium. The movement or flow of water through the interstices or the pores of a soil or other porous medium.

"Percolation Test": Percolation test means a sub-surface test at a depth of a proposed seepage system or similar component of a private sewage disposal system to determine the water absorption capability of the soil.

"Pet Cock": A pet cock is a small cock, faucet or valve, set in a water pipe, pump or drain outlet, at the end of a cylinder, in a radiator or water jacket, used to drain water, steam, or air.

"pH": An expression both of acidity and alkalinity on a scale whose values run from 0 to 14 with the lower of the number less than 7 indicating increasing acidity and the number greater than 7 increasing alkalinity.

"Pipe": Pipe is a tube conforming to the particular dimensions commonly known as "pipe size." This definition is for the purpose of distinguishing from the word "tube," particularly in brass or copper conduit. Pipe size usually refers to dimensions of the bore. The bore is defined as the nominal interior diameter of the pipe. A pipe is also defined as any closed conduit used to convey fluids, air, or gases.

"Pipefitting": The installation of piping other than that which is defined as plumbing.

"Pitch": Pitch is synonymous with "grade." The fall (slope) of a line of pipe in reference to a horizontal plane. In drainage it is usually expressed as the fall in a fraction of an inch per foot length of pipe. The pitch can also be expressed as a percentage.

"Plumbing": Refer to the Illinois Plumbing License Law. (Ill. Rev. Stat. 1987, ch. 111, par. 1101 et seq.).

"Plumbing Appliance": A unit whose operation and/or control may be dependent upon one or more energized components, such as motors, controls, heating elements, or pressure or temperature sensing elements. Such fixtures may operate automatically through one or more of the following actions: a time cycle, a temperature range, and pressure range, a measured volume or weight, or the fixture may be manually adjusted or controlled by the user or operator. An adjunct, usually mechanical, and similar to a plumbing fixture except that it is designed for a specific purpose and not generally indispensable in the operation of the plumbing system.

"Plumbing Appurtenance": A manufactured device, or a pre-fabricated assembly, or an on-the-job assembly of component parts, and which is an adjunct to the basic piping system and plumbing fixtures. An appurtenance demands no additional water supply, nor does it add any discharge load to a fixture or the drainage system. It is presumed that it performs some useful function in the operation, maintenance, servicing, economy, or safety of the plumbing system.

"Plumbing Fixture": An installed appurtenance to the potable water supply system, which makes available intended potable water, or a receptor which receives and discharges liquids or liquid-borne waste either directly or indirectly into the drainage system. Plumbing fixtures are approved type installed receptacles, devices or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

appliances which are supplied with water or which receive liquid or liquid-borne waste and discharge such waste into the drainage system to which they may be directly or indirectly connected. Industrial or commercial tanks, vats, and similar processing equipment are not plumbing fixtures, but they may be connected to, or discharged into, approved traps or plumbing fixtures. A permanent appendage usually designed as a receptacle and intended to receive and/or discharge liquid or liquid-borne waste to a drainage system.

"Plumbing Inspector": Refer to the Illinois Plumbing License Law.

"Plumbing System": Refer to the Illinois Plumbing License Law.

"Pool (Swimming)": According to Section 7 through-27 of the Swimming Pool and Bathing Beach Act, (111. Rev. Stat. 1987, ch. 111 1/2, pars. 1207 through-1227), a swimming pool means any artificial basin of water which has been modified, improved, constructed, or installed for the purpose of public swimming, and includes pools for community use, pools at apartments having five (5) or more living units, clubs, camps, schools, institutions, park and recreational areas, motels, hotels, and other commercial establishments. The Swimming Pool and Bathing Beach Act does not apply to pools at private residences intended only for use of the owner and guests. The physical connection between the potable water supply line and the swimming pool shall be made by an Illinois licensed plumber or an Illinois licensed apprentice plumber under the supervision of a licensed plumber. Water closets, showers, lavatories, and drinking fountains installed in a swimming pool complex must be installed by a licensed plumber or a licensed apprentice plumber under the supervision of a licensed plumber.

"Potable Water": Potable water is water that is suitable for human consumption. Potable water is water that meets public health standards for drinking water.

"Pressure Gradient Monitor": A device used to protect the quality of water, failsafe by design, securing the potable water system by isolating a heat exchanger when the pressure between the potable water and the heat exchange medium drops below a preset level.

"Pressure Relief Valve": See relief valves.

"Private or Private Use": In the classification of plumbing fixtures, private applies to fixtures in residences, apartments, and private bathrooms of hotels or motels where the fixtures are intended for the use of the single family or an individual.

"Private Sewer": A private sewer is a sewer privately owned and not

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

directly controlled by a public authority.

"Private Water Supply": Any facility furnishing potable water for all purposes which is not a public water system.

"Proper" or "Properly" means to be accurate or meeting the standard of competence for the given situation and properties of the materials involved based upon the standards in this Part and manufacturer's recommendations. In addition, the definitions afforded these terms by the Courts of the State of Illinois shall apply when appropriate to the given situation.

"Public or Public Use": Other than "private or private use" as described above.

"Public Sewer": A public sewer is a sewer directly controlled by a public authority.

"Public Water System": A public water supply is any facility furnishing potable water through a system of distribution mains where ten (10) or more separate lots or premises are served. A water supply system controlled by public authority. A system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term public water system includes: any collection, treatment, storage, and distribution facility under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

"Quarter Bend": A fitting changing direction 90 degrees ø. A 90 degrees ø fitting.

"Quick Closing Valve": A valve or faucet that closes automatically when released manually or controlled by a mechanical means for fast action closing. Faucets that close one-half round or less can be considered quick closing.

"Readily Accessible": See "Accessible."

"Receptor": Devices or fixtures which receive the discharge from indirect waste pipes.

"Relief Valves":

temperature relief valve - A valve designed to release water to atmosphere at a predetermined temperature setting.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

pressure relief valve - A valve designed to relieve excessive pressure to atmosphere at a predetermined setting.

temperature and pressure relief valve - a valve incorporating a temperature relief valve and a pressure relief valve in one unit.

vacuum relief valve - A valve which admits air to the system if and when the system is attempting to reduce its pressure to less than atmospheric.

"Relief Vent": A vent which permits circulation of air in or between drainage and vent systems. See Exhibit A, Illustration Q.

"Return Offset": A double offset installed so as to return the pipe to its original alignment. See Exhibit A, Illustration R.

"Revent Pipe": See "individual vent". See Exhibit A: Illustration S.

"Rim": An unobstructed open edge of a fixture.

"Riser": A water supply pipe which extends vertically one full story or more to convey water to branches or to a group of fixtures.

"Roof Drain": A drain installed to receive water that has been collected on the surface of a roof and discharged into a leader or conductor.

"Roughing-In": The installation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes drainage, water supply, and vent piping, and the necessary fixture supports.

"Safe Pan": A safe pan is installed beneath piping and/or fixture to collect and drain any leakage. Safe pans are especially important in food preparation and food storage areas that have overhead, exposed, drainage piping.

"Safe Waste": See "indirect waste."

"Sand Interceptor": See "interceptor."

"Sanitary Sewer": A sewer into which building sewers are connected which carries sewage excluding storm, surface, and ground water.

"Sanitary waste," refer to Section 890.1770;

"Seepage Bed": A shallow covered pit with level bottom containing

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

gravel and distribution piping designed to allow septic tank effluent to seep into the ground. It is furnished at the same depth as recommended for seepage fields and intended for use when insufficient area is available for seepage fields.

"Seepage Pit": A covered pit filled with rock and provided with an open-jointed lining through which septic tank effluent seeps or leaches into the surrounding soil.

"Separator": See "interceptor."

"Septic Tank": A water-tight, accessible, covered receptacle designed and constructed to receive sewage from a building sewer, to settle solids from the liquids, to retain floating scum accumulation, to digest organic matter and store digested solids through a period of retention and allow the clarified liquid to discharge to other treatment units for final disposal.

"Service-Connection". The point of delivery of water to a premises. ~~It is the end of the water surveyor's jurisdiction and the beginning of the plumbing-official's.~~

"Sewage": Any liquid waste containing animal, human, or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

"Sewage Ejector": A device for lifting sewage by mechanical means.

"Side Vent": A vent connecting to the drain pipe through a fitting at an angle not greater than 45 degrees ~~to~~ to the vertical.

"Size of Pipe and Tubing": See "diameter." The nominal inside diameter as designated commercially.

"Slope": See "grade."

"Soil Pipe": A soil pipe is any pipe which conveys the discharge of water closets or fixtures having similar functions, with or without the discharge from other fixtures, to the building drain or building sewer.

"Special Waste Pipe": Piping which conveys special waste. Piping that has been designed and manufactured of special material to handle special waste such as acids.

"Special Wastes": Wastes which require special handling and treatment before their entry into the normal plumbing system. See Subpart I.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Sprinkler System": There are two basic types of sprinkler systems. A fire sprinkler system is a system of piping and necessary appurtenances for conveying water or other extinguishing fluid to outlets for the purpose of fire extinguishment. A lawn sprinkler system is a system of piping installed for irrigation purposes.

"Stack": A general term for any vertical line of soil, waste, or vent piping.

"Stack Vent": The extension of a soil or waste stack above the highest horizontal drain connected to the stack. See Exhibit A, Illustration I.

"Stack Venting": A method of venting a fixture or fixtures through the soil or waste stack.

"Sterilizer, Boiling Type": A boiling type "sterilizer" is a fixture (non-pressure type) used for boiling instruments, utensils, and/or other equipment (used for disinfection). Some devices are portable, others are connected to the plumbing system.

"Sterilizer, Instruments": A device for the sterilization of various instruments.

"Sterilizer, Pressure (autoclave)": A fixture (pressure vessel) designed to use steam under pressure for sterilizing.

"Sterilizer, Pressure Instrument Washer-Sterilizer": A pressure instrument washer-sterilizer is a fixture (pressure vessel) designed to both wash and sterilize instruments during the operating cycle of the fixture.

"Sterilizer Vent": A separate pipe or stack, which is trapped below the lowest exhaust and indirectly connected to the building drainage systems, which receives the vapors from non-pressure sterilizers, or the exhaust vapors from pressure sterilizers, and conducts the vapors directly to the outside atmosphere. Sometimes called a vapor, steam, atmospheric, or exhaust vent.

"Sterilizer Water": A water sterilizer is a device for sterilizing water and storing sterile water.

"Storm Sewer": A sewer used for conveying rain water, surface water, ground water, cooling water, or other similar liquid waste, (excluding sewage) to an approved point of discharge.

"Subsoil Drain": A drain which collects subsurface or seepage water and conveys it to a place of disposal.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"Sub-soil Drainage," See Appendix A.

"Sump": A receptacle which receives sanitary or storm waste, located below the normal grade level of the gravity system, and emptied by mechanical means.

"Sump Pump": A pump for the removal of drainage from a sump.

"Supports." Supports, hangers, and anchors are devices for supporting and securing pipe fixtures to walls, ceilings, floors, or structural members.

"Swimming Pool": See "pool" (swimming)

"Temperature and Pressure Relief Valve": See "relief valves."

"Toxic": Not fit for human consumption. Poisonous.

"Toxic Transfer Fluids": Sanitary waste, grey water or mixtures containing harmful substances including ethylene glycol, hydrocarbons, oils, ammonia refrigerants, and hydrazine.

"Trap": A trap is a fitting or device so designed and constructed as to provide, when properly vented, a liquid seal which will prevent the back passage of air without materially affecting the flow of sewage or waste water through it. See Exhibit A, Illustration U.

"Trap Arm": A trap arm is that portion of a fixture drain between a trap and its vent.

"Trap Primer": A trap primer is a device or system of piping to maintain a water seal in a trap.

"Trap Seal": The vertical distance between the crown weir and the top of the dip of the trap.

"Tuberculation": A condition which develops on the interior of pipe due to corrosive materials resulting in the creation of small, hemispherical lumps (tubercles) on the inner walls of the pipe.

"Vacuum":

a space absolutely devoid of matter;

a space as the interior of a closed vessel partially exhausted to the highest degree possible by an air pump or by any of various artificial means;

a degree of rarefaction below atmospheric pressure;

a pressure less than atmospheric pressure and is sometimes referred to as suction.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

It is usually measured by the number of inches of mercury below atmospheric pressure, such as ten or twenty inches of mercury. To siphon.

"Vacuum Breaker": A device to prevent the creation or formation of a vacuum by admitting air atmosphere pressure, used to prevent back siphonage.

"Vacuum Breaker, Hose Type (HVB)": A backsiphonage prevention device designed for hose connections only which are not under continuous pressure.

"Vacuum Breaker, Non-Pressure Type (Atmospheric)": A vacuum breaker which is not designed to be subject to static line pressure.

"Vacuum Breaker, Pressure Type": A vacuum breaker designed to operator under conditions of static line pressure.

"Vacuum Relief Valve": A device to prevent excessive vacuum.

"Vent Pipe." Part of the vent system.

"Vent Stack": A vent stack is a vertical vent pipe installed primarily for the purpose of providing circulation of air to and from any part of the drainage system and terminating to the atmosphere or in the stack vent. See Exhibit A, Illustration V.

"Vent System": The pipe or pipes installed to provide a flow of air to or from a drainage system or to provide a circulation of air within such system to protect trap seals from siphonage and back pressure.

"Vertical Pipe": Any pipe or fitting which makes an angle of 45 degrees or less with the vertical.

"Wall Hung Water Closet": A water closet installed in such a way that no part of the water closet touches the floor.

"Waste": See "liquid waste".

"Waste Pipe": A pipe which conveys only waste material.

"Water Distributing Pipe": A pipe within the building or on the premises which conveys water from the water service or meter to the point of usage.

"Water Hammer": A concussion or sound of concussion of moving water against the sides of a containing pipe or vessel on a sudden stoppage

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

of flow. A pressure that results from a sudden deceleration of flow of water in a closed conduit.

"Water Hammer Arrestor": A device to absorb hydraulic shock.

"Water Heater": vessel for supplying hot water for all purposes. ~~other than for space-heating.~~

"Water Main": A water supply pipe for public or community use.

"Water Outlet": A discharge opening through which water is supplied to the fixture into the atmosphere (except into an open tank which is part of the water supply system), to a boiler or heating system, to any device or equipment requiring water to operate but which is not part of the plumbing system.

"Water Riser Pipe": See "riser".

"Water Service Pipe": Runs from the water main or source of potable water supply to the water distribution system of the building served.

"Water Supply Stub": A vertical pipe less than one story in height supplying one or more fixtures.

"Water Supply System": The water service pipe, the water distribution pipe, and the necessary connecting pipes, fittings, or control valves, and all appurtenances in or adjacent to the building being served or premises.

"Wet Vent": A vent which also serves as a drain. A vent which receives the discharge of wastes other than from water closets. See Exhibit A, Illustration W.

"Yoke Vent": A pipe connecting upward from a soil or waste stack to a vent stack from the purpose of preventing pressure changes in the stack. See Exhibit A, Illustration X.

(Source: Amended at 14 Ill. Reg. 1385 effective January 10, 1990.

SUBPART D: JOINTS AND CONNECTIONS

Section 890.620 Types of Joints

a) Caulked Joints.

- 1) Caulked joints for cast iron bell-and-spigot pipe shall be firmly packed with oakum or hemp and filled with molten lead not less than one inch (1") deep and firmly caulked not to extend more than one-eighth inch (1/8") below the rim of the hub. Paint, varnish, or other coatings shall not be permitted on the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

jointing material until after the joint has been tested and approved. See Exhibit B, Illustration H.

- 2) Caulked Joints - Water Piping System. ~~Warning-material-used-in the-water-piping-system-shall-conform-to-ASTM-specification-Nor 6296-78.~~ Material shall consist of asbestos fiber rope, paper rope, or rubber rings. Material shall be handled so as to prevent contamination before and during use.
- b) Threaded Joints - Screwed Joints. Threaded joints shall conform to American National Taper Pipe Thread, ANSI B2.1-1968. All burrs shall be removed; pipe ends shall be reamed or filed to size of the bore; all chips shall be removed. Pipe joint compound shall be insoluble in water and non-toxic.
- c) Wiped Joints. Joints in lead pipe or fittings, or between lead pipe of fittings and brass or copper pipe ferrules, solder nipples, or traps shall be full-wiped joints. Wiped joints shall have exposed surface on each side of the joint not less than three-fourth inch (3/4") and at least as thick as the material being joined. Wall or floor flange lead-wiped joints shall be made by using a lead ring or flange placed behind the joints at wall or floor. Joints between lead pipe and cast iron, steel or wrought iron shall be made by means of a caulking ferrule, soldering nipple, or bushing.
- d) Soldered Joints. ~~Soldered-joints-for-tubing-and-pipe-shall-be-made-with-approved-fittings.~~ Surface to be soldered shall be cleaned bright. The joints shall be properly fluxed (lead free) and made with approved lead free solder. Joints in copper water tubing shall be made by the appropriate use of approved cast bronze or wrought copper pressure fittings, properly soldered together. For approved fittings and solder see Exhibit G, Table D. All solders or flux containing more than 0.2% lead shall bear a warning label which states that the solder or flux is not approved for private or potable water use as required by Section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263). Use of this product in the making of joints or fittings in any private or public potable water system is prohibited. No part of a DWV (drain, waste and vent) system shall be joined or fitted with a solder or flux containing more than 0.2% lead.
- e) Flared Joints. Flared joints for plastic pipe and tubing and soft copper water tubing shall be made with approved fittings. The tubing shall be expanded with a proper flaring tool. See Exhibit B, Illustration I.
- f) Hot-Poured Joints. Hot-poured compound for clay or concrete sewer pipe shall not be water absorbent and when poured against a dry

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- surface, shall have a bond of not less than 100 psi. All surfaces of the joint shall be cleaned and dried before pouring. If wet surfaces are unavoidable, a suitable primer shall be applied. Compound shall not soften sufficiently to destroy effectiveness of the joint when subjected to a temperature of 160 degrees Fahrenheit, not be soluble in any of the waste carried by the drainage system. Approximately 25 percent of the joint space at the base of the socket shall be filled with jute or hemp. A pouring collar rope or other device shall be used to hold the hot compound during pouring. Each joint shall be poured in one operation until the joint is filled. Joints shall not be tested until one (1) hour after pouring.
- g) Precast Joints. Precast collars shall be formed in both the spigot and bell of the pipe in advance of use. Collar surfaces shall be conical with side slopes of 3 degrees with the axis of the pipe and the length shall be equal to the depth of the socket. Prior to making joint contact, surfaces shall be cleaned. When the spigot end is inserted in the collar, it shall bind before contacting the base of the socket. Material shall be inert and resistant to both acids and alkalines.
 - h) Brazed Joints. Brazed joints shall be made by first cleaning the surface to be joined down to the base metal, applying flux approved for such joints and for the filler metal to be used, and making the joints by heating to a temperature sufficient to melt the approved brazing filler metal on contact. See Section 890.630(b).
 - i) Cement Mortar Joints. Except for repairs, cement mortar joints are prohibited.
 - j) Burned Lead (Welded). Every burned (welded) joint shall be made in such manner that the two or more sections to be joined shall be uniformly fused together into one continuous piece. The thickness of the weld shall be at least as thick as the lead being joined.
 - k) Asbestos Cement Sewer Pipe Joints. Joints in asbestos cement pipe shall be made with sleeve couplings of the same composition as the pipe sealed with rubber rings except that asbestos cement perforated pipe shall be made with a sleeve coupling which fits on the spigot end of the pipe.
 - l) Bituminized Fiber Pipe Joints. Joints in bituminized fiber pipe shall be made with tapered type couplings of the same composition as the pipe. Joints between bituminized fiber pipe and metal pipe shall be made by means of an adaptor coupling caulked as required in subsection (a) above.
 - m) Plastic Pipe Joints.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Every joint in plastic piping shall be made with approved fittings by either solvent welded or fusion welded connections, compression fittings, approved insert fittings and metal clamps and screws of corrosion resistant material, or threaded joints. See Exhibit G, Table D for approved pipe, fittings and solvent.
- 2) Joints and Fittings in Plastic Pipe. Potable water piping fittings and joints shall be in accordance with the manufacturer's recommendations subject to the following: See Exhibit G, Table D.
 - A) Polyethylene (PE) pipe shall be installed only with compression fittings, insert and clamp type fittings or thermal welded joints and fittings. All clamps shall be of corrosion resistant material. The inside diameter (I.D.) of any insert fitting will not be allowed to be below the minimum allowable size for water service/distribution piping. (See Exhibit G, Table H for minimum allowable sizes for water service/distribution piping).
 - B) Polyvinyl chloride (PVC) pipe shall be installed with solvent welded or flanged joints only. The pipe shall not be threaded. Transition to metallic or other piping shall be made with the use of adaptor fittings. The fittings shall be molded from the same basic material as the pipe. The solvent cement used shall be specific for polyvinyl chloride piping.
 - C) Polybutylene (PB) pipe shall be installed only with insert and clamp type fittings, compression type, flanged type, or thermal welded joints and fittings. All clamps shall be of corrosion resistant material. The inside diameter (I.D.) of any insert fitting shall not be less than the minimum allowable size for water service/distribution piping. (See Exhibit G, Table H and Table O for minimum allowable sizes for water service/distribution piping).
 - 3) Joints in Plastic Drainage. Joints in plastic drainage or vent piping within the building shall be solvent welded, except that threaded or flanged joints may be used with adaptor fittings. The solvent cement shall be specific for the type of piping material. O-ring expansion joints are acceptable.
 - n) Ground Joint Connections. Ground joint connections (when accessible) may be used on the inlet or outlet side of a fixture trap or within the trap seal. Ground joint connections shall not be used in any inaccessible drainage piping.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- o) Cold-Poured Joints. Cold-poured bituminous or resin joints for clay or concrete sewer pipe shall not be used in piping below the water table.
- p) No-Hub Soil Pipe Joints. Joints for non-hub cast iron soil pipe shall be made with a neoprene gasket covered by a corrugated metal stainless steel shield secured by two (2) or more stainless steel bands or clamps. The shield and clamps shall be corrosion resistant and homogenous throughout. The joint and materials shall comply with ASTM C564-8 and C15PA 310-78.
- q) Compression Type Joints.
 - 1) Compression type joints for hub and spigot cast iron soil pipe shall be made with neoprene insert gaskets in accordance with ASTM C56476. The pipe shall comply with the specifications contained in ASTM A-74 with regard to hub and spigot dimensions and tolerances. See Exhibit B, Illustration J.
 - 2) Compression type joints for copper water tube shall be made with brass ferrules and ground joint connections.
 - r) Grooved Type Mechanical Couplings. Grooved type mechanical couplings shall comply with the requirements of AWMA specification C606-78 push-on type couplings. All pipe and fitting ends shall be grooved as required by the manufacturer's standard. Gaskets for use in potable water piping shall be fabricated from material that is non-toxic, durable and impervious.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.630 Special Joints

- a) Copper Tubing to Screwed Pipe Joints. Joints from copper tubing to threaded pipe shall be made by the use of a cast bronze or wrought copper adaptor fitting. The joint between copper tubing and the fitting shall be soldered or flared.
- b) Welding or Brazing. Brazing or welding shall be in accordance with the provisions of the Section 6 of the Code for Pressure Piping, ASA B-3.1- and ANSI B3.1.1.
- c) Slip Joints. In drainage and water piping, slip joints may be used on the inlet side of the trap or in the trap seal, and on the exposed fixture supply. Slip joints shall not be used in any inaccessible piping.
- d) Expansion Joints. Expansion joints must be accessible and may be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

used where necessary to provide for expansion or contraction of the piping. The expansion joint material shall conform with the type piping on which it is installed.

- e) Ground Joint Brass Connection. Ground joint brass connections may be used on the inlet or outlet side of a fixture trap or within the trap seal. Ground joint brass connections shall not be used in any inaccessible drainage piping.

- f) Dresser-Type Couplings--~~Dresser-type couplings shall not be used in unexposed water piping~~

Compression type couplings shall not be used in unexposed water piping except for water services, water meter yokes and stop box connections.

- g) Grooved Type Mechanical Couplings. Grooved type mechanical couplings, in accordance with Section 890.620(r), may be used in potable water and roof drain piping. It shall not be used in waste, soil or vent piping.

- h) Plastic Pipe to Non-Plastic Pipe Joints. Joints between plastic pipe and non-plastic pipe shall be made only by one of the following methods:

- 1) Pressure piping.
 - A) Approved insert fittings.
 - B) Threaded adaptors.
 - C) Flanges.
 - D) Flared fittings.

- 2) Non-pressure piping - Drain Waste Vent (DWV)

- A) Caulked lead joints with caulked adaptors.
- B) No-hub soil pipe couplings with approved adaptor having a raised bead.
- C) Compression type joints for hub and spigot cast iron pipe.
- D) Threaded adaptors.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.640 Use of Joints

- a) Clay Sewer Pipe. Joints in vitrified clay pipe or between such pipe and metal pipe shall be made with a neoprene gasket and stainless steel bands or as provided in Section 890.620(f), (g) or (o), if applicable.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- b) Concrete Sewer Pipe. Joints in concrete sewer pipe or between such pipe and metal pipe shall be made with a neoprene gasket and stainless steel bands or as provided in Section 890.620 (f), (g) or (o), if applicable.

- c) Cast Iron Pipe. Joints in cast iron water supply pipe shall be made in accordance with Section 890.620(a) and (b) or shall be mechanical joints in accordance with ANSI A21.12-71. Joints in cast iron soil pipe shall be made in accordance with Section 890.620(a), (b), (p) or (q).

- d) Screw Pipe to Cast Iron. Joints between wrought iron, steel, brass, or copper pipe, and cast iron pipe shall be either caulked or threaded joints which are made as provided in Section 890.620 (a) or (b) and shall be made with approved adaptor fittings.

- e) Lead to Cast Iron, Wrought Iron or Steel. Joints between lead and cast iron, wrought iron, or steel pipe shall be made by means of wiped joints to a caulking ferrule, soldering nipple, or brushing as provided in Section 890.620(c).

- f) Copper Water Tube. Joints in copper tubing shall be made either by the appropriate use of cast bronze or wrought copper, pressure fittings properly soldered or by means of compression or flared joints as provided in Section 890.620(d), (e), and (q)(2). Flared joints and compression fittings shall not be installed underground except for water services, water meter yokes and stop box connections.

- g) Plastic Pipe. Joints between plastic pipe and non-plastic material shall be made only by the utilization of an appropriate type adaptor as provided in Section 890.620(m) and 890.630(h).

- h) Building Sewer Connections. An elastomeric coupling seal conforming to ASTM C425 (1982), ASTM 443 (1979), ASTM 564 (1982), ASTM D-1869 (1978), or ASTM F-477 (1981), or ASTM D-792 (1979), D-2240 (1981), D-412 (1980), tests, may be used to adapt any two building sewer pipes for material to material, reducing size or transition of material. The flexible couplings shall be attached to the pipe with stainless steel clamps or bolts. The manufacturer's recommended method of installation shall be strictly adhered to.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

SUBPART E: TRAPS AND CLEANOUTS

Section 890.730 General Requirements

- a) Trap Seal. Each trap shall have a water seal of not less than two (2) inches and not more than four (4) inches except where a deeper seal is required to prevent the loss of the trap seal by evaporation.
- b) Trap Cleanouts
 - 1) Each fixture trap, except those cast integral or in combination with fixtures in which the trap seal is readily accessible or except when a portion of the trap is readily removable for cleaning purposes, shall have an accessible trap screw of ample size protected by this water seal. (Exception-see subsection (b)(4)). The screw shall be of brass or other non-corrosion type material. See Exhibit C, Illustration D.
 - 2) Cleanouts shall be made tight with threaded cleanout plug and approved washer.
 - 3) When a P-trap is used on a bath waste, it shall be directly below the tub overflow. The overflow shall be fastened to the tub by means other than the face plate. Face plates shall be clearly marked, "Cleanout".
 - 4) A P-trap on a plumbing fixture which is not accessible may be installed without a cleanout plug or having a portion of the trap readily removable, provided there is access within three (3) feet to rod the trap.
- c) Trap Level and Protection. Traps shall be set true with respect to their water seals and where necessary, they shall be protected from freezing.
- d) Traps Underground. Underground traps shall be provided with accessible and removable cleanouts, except for separate "p" traps into which floor drains, urinals and like fixtures with removable drain strainers discharge.
- e) Building (House) traps. No trap shall be installed at the foot of a soil or waste stack or in a building drain.
- f) Prohibited Traps (see Exhibit C, Illustration E)
 - 1) Traps which depend upon the action of movable parts for their seal.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 2) Full "S" traps. Exception: Water closet and similar fixtures which depend on self-siphonage for their proper operation.
 - 3) Bell traps.
 - 4) Crown vented traps.
 - 5) Unvented running traps.
 - 6) Fixtures with concealed interior partitioned traps. Exceptions: fixtures with integral traps constructed or vitrified earthenware and penal institutional fixtures with integral traps constructed of ferrous material.
 - g) Double trapping. No fixture shall be double trapped. When a fixture is double trapped, it will become air bound and impair its operation.
- (Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: INTERCEPTORS - SEPARATORS AND BACKWATER VALVES

Section 890.820 Grease Interceptors Required

All new or altered installations serving institutions or commercial establishments in which grease, fats, culinary oils, or similar waste products from kitchens or food processing areas, or in which grease, fats, or culinary oils are wasted in connection with utensil, vat, dish, or floor cleaning processes shall install grease interceptors. All waste lines and drains carrying culinary oil, grease, or fats in the above type establishment shall be directed to one or more interceptors before connecting to the plumbing system. It is recommended that interceptors be located outside the building and shall be accessible for maintenance purposes. See Exhibit C, Illustration I and J.

a) Minimum Required Features:

- 1) Flow Rate. The flow rate of the interceptors shall be sufficient to handle the maximum demand of the connected system.
- 2) Material and Covers. Grease interceptors shall be constructed of durable, corrosion-resistant materials and shall have water-tight covers securely fastened in place.
- 3) Minimum Size. A grease interceptor installed on the same floor as the fixture shall have one-half the liquid holding capacity of the fixture. A grease interceptor located on a floor below the fixture shall have sixty percent the liquid holding capacity of the fixture. To determine the liquid holding capacity in gallons of a plumbing fixture, multiply the length by the width by the height in inches, and divide by 231. Where two (2) or more sinks or receptacles are connected to a interceptor the flow rate in gallons per minute shall be based on the simultaneous use of such sinks or receptacles.

- b) Prohibited Discharge. No grease interceptor shall receive the discharge from a food waste grinder or a commercial dish-washing machine.
- c) Prohibited Type. Water cooled grease interceptors are prohibited.
- d) Residential Units. A grease interceptor is not required for individual dwelling units or any private living quarters.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 890.830 Gasoline, Oil and Flammable Liquids, Interceptors/Separators Interceptors/Separators Required.

- a) Commercial vehicle storage or repair garages and gasoline stations with grease racks or pits and all facilities which have oil and/or flammable waste shall be provided with floor drains. A minimum of one (1) floor drain per working stall or one (1) floor drain for each five hundred (500) square feet shall be installed. Where trench drains are used to carry wastes to the gas/oil interceptor, the trench drain shall extend the entire length of the work (stall) area and have a trapped and vented opening no less than every forty (40) lineal feet. Floor drains provided for such areas shall be intercepted by an approved interceptor or a series of three (3) basins before discharging into the building drainage system and shall be of cast iron, equally, steel, or other equally durable fiberglass materials suitable for gas and oil. Fiberglass interceptors shall not be used for receiving any substance other than gas and oil. ~~durable materials.~~ Each interceptor or basin shall be provided with a heavy metal cover which shall be bolted into place and made gas and water-tight with a ~~safe-metal-gasket.~~ Each interceptor and, if provided with separate compartments, each compartment and basin shall be provided with a vent of not less than two (2) inches. Two or more vents may be connected to a header which shall be six (6) inches or higher than the lowest floor drain served. The vent shall extend independently to the outer air. The outlet of an interceptor or each basin shall have a seal of not less than eighteen (18) inches. The inlet of the interceptor or the first basin shall be trapped except when floor drains are individually trapped. In areas of garages where motor fuels are dispensed or where motor vehicles are serviced, each floor drain shall be properly trapped. Floor drains above the level of the interceptor or basins shall connect to a stack extending independently to the outer air. Interceptors must be maintained to prevent loss of gas, oil, etc. Interceptors utilizing an automatic draw off feature must install a separate U.L. approved underground storage tank or storage tank integral with the interceptor.
- b) In all motor vehicle ~~laundries or~~ wash racks, drainage shall discharge into a water-tight catch basin not less than 36 inches in diameter, or three feet by two and one half feet rectangle. The bottom shall not be less than 36 27 inches below the invert of the outlet pipe. The outlet pipe shall be trapped with a catch basin trap and shall be of cast iron or schedule 40 plastic with a seal of not less than six (6) inches and a cleanout of not less than four (4) inches.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.920 Oil Interceptors

- a) Requirements. All oil interceptors shall conform to requirements of subsection (b) below and Section 890.830.
- b) Minimum Dimension. Oil interceptors shall have a depth of not less than two (2) feet below the invert of the discharge drain. The outlet opening of the separator shall have no less than an 18-inch water seal.
- c) Motor Vehicle Servicing. Interceptors shall be required for motor vehicle servicing areas. The minimum size interceptor shall be six (6) cubic feet. (45 gallon).
- d) Motor Vehicle Storage. Where storage facilities are maintained, the capacity of the interceptor shall be one (1) cubic foot (one (1) cubic foot equals seven-and one-half (7 1/2) gallons) for each 100 square feet of surface to be drained, with a minimum capacity of six (6) cubic feet.
- e) Special Type Interceptor. Before installing any special type of interceptor, a drawing including all pertinent information shall be submitted for approval by the Department.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

SUBPART G: PLUMBING FIXTURES

Section 890.1040 Installation

- a) Cleaning. Plumbing fixtures shall be installed in a manner to afford easy access for cleaning. When practical, all pipes from fixture shall be run to the nearest wall.
- b) Securing Fixtures. Floor outlet fixtures shall be secured by screws or bolts.
- c) Wall-Hung Bowls. Wall-hung water closet bowls shall be rigidly supported by a concealed metal supporting member so that no strain is transmitted to the closet connection.
- d) Setting. Fixtures shall be set level.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- e) Water Supply Connection. Hot water shall be supplied to all plumbing fixtures which need or require hot water for their proper use and function. All mixing faucets shall have both hot and cold water connected to them with the hot water supply on the left side of the faucet. Further, no mixing faucet of standard manufacture shall be allowed that will permit internal modification for cross piping of hot and cold water connections.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.1070 Water Closets

- a) Public Use. Water closet bowls for public use shall be of the elongated type and the seat shall be of the open-front type. Exception - Facilities for the handicapped shall comply with the latest edition of "Illinois Accessibility Code (71 Ill. Adm. Code 400)," Standards-illustrated published by The Capital Development Board. See Section 890.1210(ed). Water closets designed for institutional use may be used in existing intensive care facilities and intensive coronary care facilities provided the water closet swings only horizontally and has an integral trap. A water closet flushometer shall be used to flush the fixture.
- b) Water Closet Tanks. Water closet tanks shall have a flushing capacity sufficient to properly flush the water closet bowls with which they are connected.
- c) Ballcocks. Ballcocks for flush tanks shall be of the anti-siphon type, properly installed, and have a provision for trap refill.
- d) Flushing Device. The flush-valve seat in all water closet tanks shall be one (1) inch or more above the flood rim of the closet bowl so that the flushing-valve pipe is in a separate compartment of the closet tank with a hole in the bottom of the compartment.
- e) Flushometer Valve. Flush valves shall be so installed that they will be readily accessible for repairing. When the valve is operated, it shall complete the cycle of operation automatically, opening fully and closing positively under the service pressure. At each operation the valve shall deliver water in sufficient volume and at a rate that will thoroughly flush the fixture and refill the fixture trap. Means shall be provided for regulating flush-valve flow. The activating handle, button or mechanism of the flush valve in public restrooms shall be a minimum of 22 inches above the overflow of the bowl. Exception - Facilities for the handicapped shall comply with the latest edition of "Accessibility-Standards-illustrated-" Illinois Accessibility Code." See Section 890.1210(ed). The activating handle, button or mechanism of a flush valve for any handicapped

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

water closet shall be at least ten (10) inches above the rim of the water closet bowl rim. Not more than one shall be provided by an approved vacuum breaker. See Sections 890.1050 and 890.1550(c).

- f) Seats. Water closets shall be equipped with seats of smooth, non-absorbent material; all seats of water closets provided for public use shall be of the open-front type. Exception - Facilities for the handicapped shall comply with the latest edition of "Accessibility-Standards-Illustrated;" "Illinois Accessibility Code." See Section 890.1210(ed). water closets with integral seats shall not be installed for public use, but may be installed in certain institutions and prisons provided such installations are approved, in writing, prior to installation by the Department or other authority having jurisdiction. No water closet seat shall be more than one and one half (1 1/2) inches thick.

- g) Surrounding Materials. Where water closets are installed for public use, the flooring under the fixture base extending to at least 18 inches from the front and both sides of the closet, and extending to the wall from the back of the water closet, shall be of non-absorbent material.

- h) A flushometer tank (ASSE 1037-1986) shall be used only with a water closet bowl specifically designed for that type flushing device.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.1110 Shower Receptors and Compartments

- a) Shower. Shower compartments, except those built directly on a slab floor or having receptors constructed of precast stone, terrazzo, concrete, molded stone, or molded fiberglass, shall have a lead or copper shower pan or the equivalent thereof. All sides of the shower pan shall have a turn-up of at least two (2) inches above the finished floor level. Precast molded receptors shall have a minimum of one-quarter (1/4) of an inch thick flange. Traps shall be so constructed that the pan may be securely fastened to the trap at the seepage entrance, making a water-tight joint between the pan and the trap. Shower receptacle waste outlets shall not be less than two (2) inches in diameter and have a removable strainer.

- b) On the Ground. Shower receptors built on the ground shall be constructed of dense, non-absorbent and noncorrosive type material and shall have smooth, impervious surfaces, or as provided in Subsection (a) above.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- c) Dimensions. Shower compartments shall have not less than 1,024 square inches of floor area and, if rectangular, square, or triangular in plan, shall be not less than 30 inches in shortest dimension, excluding the threshold.
- d) Walls. Shower compartments shall have walls constructed of durable, smooth, nonabsorbent, noncorrosive and water proof materials.
- e) Joints. Built-in tubs with overhead showers shall have waterproof joints between the tub and waterproof walls.
- f) Public or institution showers. Floors of public shower rooms shall be drained in such a manner that no waste water from any bather will pass over areas occupied by other bathers. This will not prohibit the use of column showers.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.1210 Minimum Number of Plumbing Fixtures

- a) Minimum Number of Fixtures. Plumbing fixtures shall be provided for the type of building occupancy and in the minimum number(s) showing in Exhibit G: Table F, "Minimum Number of Plumbing Fixtures" except as noted in footnote 6. Types of building occupancy not listed in Exhibit G: Table F shall be referred to the Department for a decision in writing concerning the minimum number and types of plumbing fixtures required, prior to construction.

- b) Required Restroom Facilities.

1) Employee Restrooms

- A) Restroom facilities shall be provided for all employees within each place of employment; except that kiosks with five (5) or less employees which are located in the aisle of a mall and which have access to public restrooms located within two hundred (200) feet of the kiosks, shall not be required to have employee restrooms.

- B) If there are more than five working employees at any one time, separate restrooms for men and women are required. The total number of fixtures shall be based on the number of employees. (See table for requirements).

- C) If there are never more than five working employees at any one time, one restroom may serve both sexes. A restroom must have one water closet and one lavatory.

- 2) Public Restrooms
 - A) Separate facilities for men and women are required when restrooms for the public are required.
 - B) All restaurants must have restroom facilities for the public if the food or beverage is consumed on the premises.
 - C) Buildings, other than restaurants, with less than 3,000 square feet net gross area to be used by the public need not provide public restrooms.
 - D) All buildings with 3000 square feet gross area or more that allow public access must provide restrooms for the public.
 - E) Individual businesses which are part of a complex (under one roof) are open at all hours which the individual buildings are open, and are designed for the lead of each individual building are not required to have individual restroom facilities for the public.

3) For those facilities where the number of individuals is not determinable, the following applications will be used.

A) Assembly Units and Open/Air Assembly Units, the occupancy content shall be based on the capacity of the rooms or spaces used for assembly purposes and shall be determined as follows:

- i) In rooms or spaces with fixed seating, the occupancy content shall be the actual number of seats provided. When no divisions between seats are provided, fixed seating shall be computed at eighteen inches per person.
- ii) In rooms or spaces without fixed seating, the occupancy content shall be determined by the dividing of the net floor area (excluding the areas occupied by elevators, toilet rooms, stairways, other shaft enclosures, and by permanent fixtures such as bowling alleys, bars, cigar counters, exit facilities, entrance vestibules, lunch counters and serving spaces for same; etc.) by the floor area per person established in the following table:

OCCUPANCY	Floor Area Per Person (Sq. Ft.)
-----------	---------------------------------

- School classrooms (other than open-plan schools and recreation rooms) 20
- Open-plan schools, school laboratories and shops 30
- Museums, libraries and similar uses 20
- Restaurants 15
- Other assembly uses 6
- Exhibition Area 20
- Day Care Center 35
- B) Other Occupancies

In occupancies, other than Assembly Units, the occupancy contents shall be determined by dividing the net floor area within the perimeter of the space or building not including elevators, stairways, or other shaft enclosures by the floor area per person established in the following table:

OCCUPANCY	Floor Area Per Person (Sq. Ft.)
-----------	---------------------------------

Residential Units	125
Institutional Units	150
Business Units	100
Mercantile Units First Floor	30
Basement Sales Floor	30
Other Floors	60
Industrial Units Power Plants	400
Other Industrial Units	100

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Storage Units

300

- c) Convenience-Accessibility-and Maintained in Sanitary Condition. Plumbing fixtures installed for the use of the public shall be installed so that such fixture is convenient, accessible and maintained in a sanitary condition.
- d) Plumbing and Handicapped. Minimum plumbing facilities for the handicapped are contained in the publication "Accessibility Standards-Illustrated" "Illinois Accessibility Code". These standards are administered by the State of Illinois Capital Development Board. A copy of the "Accessibility-Standards Illustrated" "Illinois Accessibility Code" may be obtained by contacting the State of Illinois Capital Development Board. Where plumbing fixtures are installed for the handicapped such plumbing and plumbing fixtures shall comply with these "Accessibility-Standards Illustrated" "Illinois Accessibility Code".

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

SUBPART I: INDIRECT WASTE PIPING, SPECIAL WASTE

Section 890.1410 Indirect Waste Piping

- a) Food and Beverage Handling. Commercial dishwashing machines, dishwashing sinks, pot washing sinks, pre-rinse sinks, silverware sinks, bar sinks, soda fountain sinks, vegetable sinks, potato peelers, ice machines, steam table, steam cookers, and other similar fixtures shall be indirectly connected. *The only exception shall be when such fixtures are located adjacent to a floor drain, the waste may be directly connected on the sewer side of the floor drain trap provided the fixture waste is trapped and vented as required by this Code (See Exhibit D, Illustration K and N) and the floor drain is located within four feet horizontally of the fixtures and in the same room. In the case of direct connection no other fixture waste shall be connected between the floor drain trap and the fixture protected.

*AGENCY NOTE: The indirect piping from the fixture to the air gap shall not exceed five (5) feet developed length. All indirectly connected fixtures shall discharge to a vented trap located as close as possible to the fixture and in the same room (See Exhibit D, Illustrations L and M).

- b) Connection. Indirect waste connections shall be provided for drains, overflows, or relief vents from the water supply system. See Exhibit D, Illustration O and Section 890.1440(a), 890.1460(a), (b), and (c) and 890.1660(d). The discharge from relief valves shall drain through an indirect waste connection into a floor drain or a receptor.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- c) Sterile Materials. Appliances, fixtures, devices, or other apparatus such as stills, sterilizers, and other similar equipment requiring water and waste connections and used for preparation of sterile material shall be indirectly connected to the drainage system.
- d) Swimming Pools.
- 1) Piping carrying backwash or other wastewater from the swimming pool filter shall be installed as an indirect waste to the building drain or building sanitary waste system. Piping utilized to drain water from the pool proper such as the main drain waste and gutter waste shall be installed as an indirect waste to a storm sewer, or a combined-drainage-system. Piping utilized for carrying wastewater from deck drains around a pool may be installed as a direct waste-to-a-storm-sewer-or-drain-or-indirectly-to-the-building-drain-or-building-sewer, shall be installed as an indirect waste when the deck drains toward the pool.

- 2) Refer to the Minimum Sanitary Requirements for the Design and Operation of Swimming Pools and Bathing Beaches, Circular No. 4.102, Illinois Department of Public Health.

- e) Condensers and Sumps.

No steam pipe shall connect to any part of a drainage or plumbing system, nor shall any water above 180 degrees Fahrenheit be discharged into any part of the drainage system. The drains from pressure tanks, boilers, relief valves, and other similar equipment shall be connected to the drainage system through an indirect waste. Boilers exceeding 15 psi shall discharge through a cooling chamber.

- f) Clear Water Wastes.

Water lifts, expansion tanks, cooling jackets, sprinkler systems, drip or overflow pans, or similar devices which clear water only shall discharge onto a roof or into the building drainage system through an indirect waste.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.1460 Receptors

- a) Installation. Receptors serving indirect waste pipes shall not be installed in any inaccessible or unventilated space, or otherwise concealed or hidden and shall be sized to prevent overflow. See Section 890.670(b).

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- b) Strainers and Baskets. A receptor shall be equipped with either a readily removable basket over which the indirect waste pipe shall discharge, or the indirect waste receptor outlet shall be equipped with a strainer.
- c) Splashing. All plumbing receptors receiving the discharge of indirect waste pipes shall be of such design and capacity as to prevent splashing or flooding under normal conditions. No plumbing fixture, except service sinks, shall be used to receive the discharge of an indirect waste pipe. No plumbing fixture with potable water connected to it, except service sinks, shall be used to receive the discharge of an indirect clear water waste pipe.

(Source: Amended at 14 Ill. Reg. 138.5, effective January 10, 1990)

SUBPART J: WATER SUPPLY AND DISTRIBUTION

Section 890.1540 Protection of Potable Water

- a) Cross Connection (Submergence). Potable water supply piping, water discharge outlets, backflow prevention devices or similar equipment shall not be located as to make possible their submergence in any contamination or polluted liquid or substances. See Exhibit E: Illustration A, B, and C.
- b) Approval of Devices and Maintenance. Before any device for the prevention of backflow or back-siphonage is installed, it shall have first been certified that it meets the requirements of a recognized testing laboratory acceptable to the Department. Devices such as the reduced pressure (RP) principal backflow preventers, when installed in a potable water supply system for protection against backflow or back-siphonage, shall be maintained on a regular basis and appropriate records to verify maintenance shall be available at the site of the installation of the device or other approved location.
- c) Backflow. The water-distribution system shall be protected against back-siphonage and backflow. Each water outlet shall be protected from backflow and/or back-siphonage, preferably by having the outlet end from which the water flows spaced a distance above the flood-level rim of the receptacle into which the water flows sufficient to provide a "minimum fixed air gap". Where it is not possible to provide a minimum fixed air gap, the water outlet shall be equipped with an accessibly located backflow/back-siphonage preventer complying with applicable standards.

BACKFLOW PREVENTERS	ANSI	OTHER
Vacuum Breakers, Anti-Siphon	A112.1 (1980)	ASSE 1001 (197982)
Vacuum Breakers, Hose Connection		ASSE 1011 (197982)
Double Check With Atmospheric Vent		ASSE 1012 (1978)
Reduced Pressure		ASSE 1013 (1980)
Zone-Device Principle Backflow Preventer		AWWA C506 (1983)
Double Check Valve Assembly		ASSE 1015 (1980)
		AWWA C506 (1983)
Dual Check Valve		ASSE 1024 (198984)
Anti-Siphon Self-Draining Frost Proof Sillcocks		ASSE 1019 (19778)
Vacuum Breakers, Pressure Type		ASSE 1020 (1974)
Dual check valve (carbonated beverage) Relief port required		ASSE 1032 (1980)
Pressurized Flushing Devices		ASSE 1037 (1986)

Agency Note: Vacuum relief valves shall not be used for backflow prevention.

- 2) Fire-Safety-System. The installation of a fire-safety-system involving the potable water supply system shall be in accordance with NFPA-Standard No. 13 (1975), and the potable water supply system shall be protected against backflow or back-siphonage by a minimum of a single check valve approved under NFPA No. 13. If a fire-department connection is part of the fire-safety-system, the potable water supply system must be protected by an approved backflow device. (See Section 890.1540(c)). The installation of any fire-safety-system involving the potable water supply system shall be protected against backflow or back-siphonage as follows:
- A) A fire-sprinkler system that does not have a fire department hose connection, no method of supplying additives to the system, piping material that conforms with Section 890.1 Table D of this Part for potable water distribution, less than five (5) sprinkler heads and a return line connecting the fire system with the potable water distribution system does not require a backflow-

- preventer-or-a-check-valve-

B)

A fire sprinkler system that does not have a fire department hose connection; no method of supplying additives to the system; piping material that conforms with Section 890, Table D of the Plumbing Code for potable water distribution; and five or more sprinkler heads shall have a single check valve and a detector check valve between the potable water supply and the sprinkler system. The fire system shall be cleaned and chlorinated before use and the fire system shall be drained and flushed at least every twelve months in the presence of a licensed plumbing inspector. The fire system shall be kept free from accumulations of sand, silt, and stagnant water which would nullify the action of chlorine content of the potable water supply.

A sprinkler system or standpipe system of piping material not conforming with Section 890, Table D of the Plumbing Code for potable water distribution and does not have a fire department hose connection shall have a double check valve assembly (DCA) listed by and bearing a label or seal of a testing laboratory as listed in Section 890, Table E of the Plumbing Code.

B)

A reduced pressure backflow preventer (RP-BFP) listed by and bearing a label or seal of a nationally recognized testing laboratory as listed in Section 890, Table E of the Plumbing Code shall isolate the potable water system from all fire safety systems; sprinklers; or standpipe when the fire system contains an anti-freeze; water is pumped into the system from another source or there is a hose connection whereby another source can be connected to the sprinkler system.

d)

Fire safety systems shall be equipped with a double detector check valve assembly located at the point of connection between the fire safety system and the water supply line to protect the water supply against backflow and backsiphonage except under the conditions described in subsection (A) (2).

1)

A fixed proper air gap with a break tank or other storage vessel or a reduced pressure principle backflow preventer shall be installed at the point of connection between the fire safety system and the water supply service line to protect the water supply against backflow and backsiphonage when:

The fire safety system contains additives such as antifreeze, fire retardant or other chemicals. The RPZ assembly may be located at the point of connection to the section of the system containing such additives when the connection to the water supply is protected by a double detector check valve assembly; or

B)

Water is pumped into the fire safety system from a non-potable source capable of serving the fire safety system. A non-potable source of water shall be considered capable of serving the fire safety system under the following conditions: It must be capable of year-round use, maintained with not less than 50,000 gallons of usable water not subject to freezing, accessible to fire fighting pumper equipment, located within 1700 feet of the facility; or

C)

Water flows into the fire safety system by gravity from a non-potable source; or

D)

There is a permanent or emergency connection whereby water can be pumped into the fire safety system from any other non-potable source.

2)

Fire department connections served solely by a water system without any non-potable connections or chemical additives shall require installation of a double detector check valve assembly.

ed)

Prohibited Connections.

1)

Sewage Lines. There shall be no direct connection between potable water lines and lines, equipment and vessels containing sewage. Such connections shall be made only through a minimum fixed air gap as outlined in Section 890.1550(a).

2)

Chemical or Petroleum Pressure Vessels. No person shall connect any pressure vessel, i.e., storage tank, tank car, tank truck or trailer or other miscellaneous pressurized tank or cylinder containing or having contained liquified gaseous petroleum products or other liquified gaseous chemicals to any potable water supply. Water for flushing or cooling, or otherwise to be installed into such a vessel shall be obtained by gravity through a minimum fixed air gap as outlined in Section 890.1550(a)(1-3).

AGENCY NOTE:

If water under pressure is required, it may be supplied only by means of an auxiliary pump taking suction from a suction tank provided for this purpose only with an over-rim

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

supply having the required minimum fixed air gap as outlined in Section 890.1550(a).

- 3) Refrigerant Condensers. No refrigerant condenser of the water jacket type with a common wall between the refrigerant gas the cooling water shall be directly connected to a potable water supply. Cooling water, if from potable water supply; shall comply with *ASSE 1012 and 1013. See AGENCY NOTE - subsection (d)(2) above.
 - 4) Chemical Pressure Vessels. Chemical pressure vessels containing chemicals used in the water treatment process, by the authority charged with the operation of the water supply, are hereby specifically exempted from the provisions of Subsection (d)(2) above.
- fe) Devices for the Protection of the Potable Water Supply. Approved backflow preventers or vacuum breakers shall be installed with all plumbing fixtures and equipment, the potable water supply outlet of which may be submerged and which is not protected by a minimum fixed air gap. Connection to the potable water supply system, for the following fixtures or equipment, shall be protected against backflow with any one or more of the devices as indicated below:
- 1) Low inlet to receptacles containing toxic substances (vats, storage containers, plumbing fixtures):
 - A) an approved fixed air gap fitting
 - B) reduced pressure ~~unit~~ principle backflow preventer
 - C) pressure vacuum breaker unit
 - D) atmospheric vacuum breaker unit
 - 2) Low inlet to receptacles containing non-toxic substances (steam, air, food, beverages, etc.):
 - A) an approved fixed air gap fitting
 - B) reduced pressure ~~unit~~ principle backflow preventer
 - C) pressure vacuum breaker unit
 - D) atmospheric vacuum breaker unit
 - E) approved double-check valve assembly
 - F) double-check with atmospheric vent
 - 3) Outlets with hose attachments which may constitute a cross connection:
 - A) an approved fixed air gap fitting
 - B) reduced pressure ~~unit~~ principle backflow preventer
 - C) pressure vacuum breaker unit

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- D) atmospheric vacuum breaker unit
 - 4) Coils or jackets used as heat exchangers in compressors, degreasers, and other such equipment involving toxic substances:
 - A) an approved fixed air gap fitting
 - B) reduced pressure ~~unit~~ principle backflow preventer
 - C) pressure vacuum breaker unit
 - 5) Direct connections - subject to back-pressure:
 - A) non-toxic substances
 - i) an approved fixed air gap fitting
 - ii) reduced pressure ~~unit~~ principle backflow preventer
 - iii) approved double-check valve assembly
 - iv) double-check with atmospheric vent
 - B) toxic substances
 - i) an approved air gap fitting
 - ii) reduced pressure unit
 - C) sewage and lethal substances
 - i) an approved fixed air gap fitting
- gf) Installation of Devices.
- 1) Atmospheric Vacuum Breakers. Vacuum breakers shall be installed with the critical level above the flood level rim of the fixture they serve, and on the discharge side of the last control valve of the fixture. No shutoff valve or faucet shall be installed beyond the vacuum breaker. See Section 890.1550(c).
 - 2) Pressure Type Vacuum Breaker. Pressure type vacuum breaker unit shall not be installed except where permitted in subsection (e) of this Section.
 - 3) Reduced Pressure Principle Backflow Preventer. A reduced pressure type principle backflow preventer may be installed where permitted in subsection (e) of this Section.
 - 4) Devices of All Types. Backflow and back-siphonage preventing devices shall be installed so as to provide accessibility, located for observation, maintenance and replacement services. No in-line double check or reduced pressure principle backflow preventer shall be located more than five (5) feet above a floor.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

or walk area. Backflow/back siphonage devices shall not be installed where they are subject to freezing or flooding conditions.

- 5) All in-line backflow/back siphonage preventers shall have a full opening type valve with an outside-stem-yoke (OS and Y) on each side of the preventer and located within five (5) feet of the preventer. The valve shall be of bronze or stainless steel seat design.
- 6) All types of backflow/back siphonage devices shall be field tested in accordance with the manufacturer's instructions by a certified tester before initial operation. (See 35 Ill. Adm. Code 608)".
- 7) A protective strainer shall be located upstream of the first check valve on all in-line back flow/back siphonage preventers unless the device contains a built-in strainer. Fire safety systems are exempt from installing a strainer.
- 8) Properly installed cross-connection control devices create a closed water system. Such systems shall have a properly sized thermal expansion tank, relief valve, or air chambers located in the cold water supply as near to the water heater as possible.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.1550 Vacuum Breakers and Air Gaps

- a) Air Gaps. Air gaps shall be used whenever possible, in preference to vacuum breakers and should be used on such installations as cooling towers, air conditioning plenum chambers, open tanks, i.e.
 - 1) The air gap in a water supply system is the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank or plumbing fixture and the flood level rim of the receptacle. See Exhibit G, Table G.
 - 2) The minimum required air gap shall be measured vertically from the end of the faucet spout or supply pipe to the floor level rim of the fixture or vessel. See Exhibit G, Table G.
 - 3) The minimum required air gap shall be twice the diameter of the effective opening, but in no case less than given in Exhibit G: Table G.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 4) Where it is not practical to provide a minimum required air gap above the flood level rim of the tank, or vat, a backflow preventer shall be installed in accordance with Subsection (b) below.
- b) Vacuum Breakers.
 - 1) Required. Atmospheric vacuum breakers shall be installed within the fixture supply when the outlet end may be submerged, such as hose and spray, direct flushing rim valves, aspirators and under rim water supply connections to a plumbing fixture or receptacle in which the surface of the water in the fixture or receptacle is exposed at all times to atmospheric pressure. The type of preventer referred to will not protect against backflow when water is discharged through it into a space which contains pressure higher than atmospheric.
 - 2) Where. An atmospheric vacuum breaker shall be installed between the control valve and the fixture and in such a manner that it will not be subject to water pressure, except the back pressure incidental to water flowing to the fixture.
 - 3) Atmospheric Vacuum Breaker. An atmospheric vacuum breaker shall be installed on the outlet side of the control valve.
 - 4) Backflow Preventers - Design. All devices used for backflow prevention shall be made of corrosion resistant material and shall be so designed and proportioned as to prevent deterioration or deformation.
 - 5) Approved Backflow Devices. All devices used for backflow prevention shall have been tested and approved to meet tests and performance as required by a recognized national standard for such devices. See Exhibit G, Table D and Section 890.1540(c)(1).
 - c) Flushometer Valve. Flush valves shall be equipped with approved vacuum breakers. The vacuum breaker shall be installed on the discharge side of the flushing valve with the critical level at least four (4) inches above the overflow rim of the bowl. See Exhibit E, Illustration D.
 - d) Flushing Tanks. Flushing tanks shall be equipped with approved anti-siphon ballcocks. The ballcock shall be installed with the critical level of the vacuum breaker at least one (1) inch above the full opening of the overflow pipe. In cases where the ballcock has no hush tube, the bottom of the water supply inlet shall be installed one (1) inch above the full opening of the overflow pipe. See

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 890.1070(d).

- e^f) Lawn Sprinklers. Lawn sprinkler systems shall be equipped with approved vacuum breakers on the discharge side of each of the last valves. The vacuum breaker shall be at least six (6) inches above the highest head, and in no case less than six (6) inches above the surrounding ground. Where combination control valves and vacuum breakers are installed, the bottom of the valve shall constitute the bottom of the vacuum breaker. See Section 890.1540(c) and (e).
- fg) Valve Outlets for Hose Attachments.
- 1) Valve outlets with hose attachments shall have an approved backflow protection. The backflow protection may be permanently attached to the hose threads of the valve outlet, or may be an integral part of the valve.
 - 2) Frost proof hydrants connected to potable water lines shall have backflow protection attached to the hydrant spigot (if threaded) and the (weep) drain down hole shall be protected from any ground water back up. (A backflow protector or open sight drainage is accepted for the drain back).
 - 3) Backflow protection is not required when the hose (water supply line) is directly connected to a mobile unit used as a temporary or permanent dwelling place and the water line (hose) is under constant pressure.
- gh) Laundry Machines. The potable water supply to laundry machine(s) shall be protected against back-siphonage by:
- 1) air gap
 - 2) approved vacuum breaker installed a minimum of twenty-six (26) inches above the top of the machine (commercial only)
- hi) Commercial Dishwashers. Commercial dishwashers shall be equipped with an approved vacuum breaker located in the rinse water supply line on the discharge side of the final control valve, a minimum distance of six (6) inches above the uppermost spray outlets. The cold water or make-up water supply line shall be provided with an air gap as outlined in Subsection (a) above or an approved vacuum breaker located on the discharge side of the final control valve, a minimum distance of six (6) inches above the absolute overflow or flood rim.
- ij) Aspirators. Water operated aspirators shall meet the following specifications:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 1) The water supply line shall be equipped with a shut-off valve.
 - A) In operating rooms, emergency rooms, recovery rooms, delivery rooms, autopsy rooms and laboratories where aspirators are installed for removing blood, puss and/or other fluids, an approved vacuum breaker shall be installed on the discharge side of the control valve, and shall be located at ceiling heights or seven (7) feet six (6) inches, whichever is less.
 - B) Water operated aspirators used for dispensing detergent shall be protected against backflow and back-siphonage.
 - 23) The aspirator water discharge shall be provided with a two (2) inch air gap to the receiving fixture.
- jk) Pressure Type Water Treatment Units. Wash water and rinse water drain lines from water softeners and other types of water treatment filters shall discharge to the sanitary drainage system through a trap, floor drain or sump. The waste from water conditioning equipment shall discharge to the sanitary sewer or if sanitary sewer is not available it shall be discharged in accordance with the Private Sewage Disposal Licensing and Act Code. (11. Rev. Stat. 1987, ch. 111 1/2, par. 116.301 et seq.). An air gap equal to at least two (2) times the nominal diameter of the discharge pipe from the equipment shall be provided. Any water softening unit which depends on a venturi created by the flow of water from the water supply line to the softener to siphon brine solution for regeneration, shall not be required to have a backflow protection device on the water supply line. All other types (those that depend on internal check valves to prevent backflow and/or have the inlet supply of water stopped during regeneration) shall have a double check valve installed on the inlet water supply line.
- kl) Bidet. A bidet shall be equipped with hot and cold water. An approved atmospheric vacuum breaker shall be installed on the discharge side of the control valve. The bottom of a vacuum breaker, or the critical level line shown on the vacuum breaker, shall not be less than four (4) inches above the flood level rim of the bidet.
- 1) Kidney Dialysis Machines - All kidney dialysis units shall have, as a minimum, a reduced pressure principle backflow preventer conforming with ASSE Standard 1013 or an approved air gap installed on the water supply inlet. The discharge for all dialysis machines shall be indirectly connected.
- m) Whirlpool Bathtubs - Whirlpool bathtubs shall be installed in such a manner that the tub, pump, jets and pump tubing drain completely

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

after each use. The pump shall be located above the weir of the whirlpool tub trap.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.1620 Water Supply Control Valves

- a) Water Supply Control. A main shut-off valve on the water service pipe shall be provided near the curb or property line. In addition thereto, an accessible, gate-type shut-off valve with a drip valve shall be provided inside near the entrance of the water service pipe into the building. A pit-of-similar-type-installation-is-prohibited for-a-potable-water-shut-off-valve. See Exhibit E, Illustration H. Refer to Section 890.1560(c).
- b) Shut-Off Valve at Meter. The shut-off valve at the discharge side of the water meter shall not be less in size than the size of the building water service, and shall be of the full-opening type with suitable drainage provisions. See Exhibit E, Illustration I.
- c) Tank Controls. Supply lines taken from pressure or gravity tanks shall be valves at or near their source.
- d) Separate Controls for Each Family Unit. In two-family or multiple dwellings, each family unit shall be controlled by an arrangement of shut-off valves which permit each group of fixtures or the individual fixture to be shut off without interference with the water supply to any other family unit or portion of the building. See Exhibit E, Illustration J.
- e) Groups of Fixtures. A group of fixtures means two or more fixtures adjacent or near each other. In a one-family house, one or two bathrooms adjacent or one over the other may be considered a group.
- f) Buildings Other Than Dwellings. In all buildings other than dwellings shut-off valves shall be installed which permit the water supply to all equipment and/or fixture in each separate room to be shut off without interference with the water supply to any other room or portion of the building. See Exhibit E, Illustration K.
- g) Water Heating Equipment. A shut-off valve shall be provided in the cold water branch line to each water storage tank or each water heater, installed as close as possible to water storage tank or water heater.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.1640 Procedure in Sizing the Water Distribution System of a

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Building

- a) Design and Installation. The design and installation of the hot and cold water building distribution system shall conform to good plumbing engineering practice, as required in subsection (b) below and within the Exhibit G., Table Q.
- b) Size of Fixture-Supply. The minimum size of a fixture-supply pipe shall be illustrated in Exhibit G: Table H.
- c) Minimum Flow Pressure. Minimum fairly constant, service pressure, at the point at outlet discharge shall be not less than eight (8) psi for all fixtures except for the direct flush-valves, for which it shall not be less than fifteen (15) psi, and except where special equipment is used requiring higher pressure.
- d) Auxiliary Pressure. Supplementary Tank. If the residual pressure in the system is below the minimum allowable at the highest water outlet when the flow in the system is at peak demand, an automatically controlled pressure tank or gravity tank shall be installed, of sufficient capacity to supply sections of the building installation which are too high to be supplied directly from the public water main.
- e) Low Pressure Cut-Off. When a booster pump except those used for fire protection is used on an auxiliary pressure system, there shall be installed a low-pressure cut-off switch on the booster pump to prevent the creation of pressures less than five (5) psi on the suction side of the pump. A shut-off valve shall be installed on the suction side of the water system and within five (5) feet from the pump suction inlet, and a pressure gauge shall be installed between the shut-off valve and pump.
- f) Approval of Auxiliary Pressure Systems. Whenever in any building, structure, or premises receiving its potable water supply from the public water system, a pump or any other device for increasing the water pressure is to be installed, plans of such installation shall be approved by the Department prior to installation.
- g) Variable Street Pressures. When the street main has a wide fluctuation in water pressure, the water distribution system shall be designed for minimum pressure available in the main unless alternate provisions are made.
- h) Hazard and Noise. All building water supply systems shall be protected with air-chambers or other approved mechanical devices that will absorb high pressures resulting from the quick-closing valves. Water pressure absorbers shall be placed as close as possible to a quick-closing valve or installed at the end of long pipe runs, or near-

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

batteries-of-fixtures--Each-air-chamber-shall-be-provided-with-a-means-of-draining-and-restoring-the-air--When-mechanical-devices-are-used,-the-manufacturers'-Specifications-shall-be-followed-as-to-location-and-method-of-installation:

All building water supply systems in which quick acting valves are installed shall be provided with devices to absorb high pressures resulting from the quick closing of these valves. These pressure absorbing devices shall be either air chambers or approved (ASTM A.112.26.(1984)) mechanical devices. Water pressure absorbers shall be placed as close as possible to the quick acting valves or installed at the ends of long pipe runs or near batteries of fixtures.

1) Air Chambers - Where air chambers are installed, they shall be in an accessible place and each air chamber shall be provided with means for restoring the air in the event the chamber becomes waterlogged.

2) Mechanical Devices - Where mechanical devices are used the manufacturer's specifications for location and installation shall be followed.

i) Excessive Static Water Pressure.

1) When street water main pressure exceeds eighty (80) psi, an approved pressure reducing valve and strainer with by-pass relief valve shall be installed in the water service pipe near the entrance to the building in order to reduce the water pressure to eighty (80) pounds per square inch psf or lower. Sill cocks and outside hydrants may be left on full water main pressure at the option of the property owner.

2) Pressure reducing valves shall comply with applicable requirements of ASSE Standard Number 1003, "Water Pressure Reducing Valves for Domestic Water Supply Systems".

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.1650 Hot-Water Supply and Distribution

a) Water Heaters. Water heater, gas ANSI Z 21.10.1-74, Water Heater, Electric UL 174 shall be so stamped or marked to indicate compliance with American Society of Heating, Refrigeration and Engineers, Inc. Standard 90 (1980).

1) All equipment used for heating and storage of hot water shall conform to approved, recognized, applicable construction and installation standards. All such water heating equipment shall

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

bear the marking of an approved testing agency certifying that such equipment has been tested and approved and listed to meet the requirements of the applicable standard. Listing by Underwriters Laboratories, American Gas Association or National Board of Boiler and Pressure Vessel Inspectors and ASME Standard shall constitute evidence of conformance with these standards. See Exhibit E, Illustration L and M.

2) Solar heated system used to temper or heat the hot water system shall be by the use of a double walled heat exchanger which is exposed to the atmosphere between the walls.

3) Heat exchangers using a nontoxic transfer fluid with no conditioning chemicals in the system may be of single wall construction.

4) Heat exchangers using a toxic transfer fluid and/or having conditioning chemicals in the system shall be separated from the potable water by a double wall construction. There shall be an open air gap to the atmosphere between the two walls. The boiler (heating chamber) must be of low pressure (below 15 psi).

5) No heat exchanger will be permitted on any high pressure boiler operating in excess of 15 psi or high temperature hot water system operating in excess of 250°F unless:

A) the heat exchanger is double walled; and

B) the heat exchanger has an air gap open to the atmosphere between the two walls; and

C) a pressure reducing valve is installed between the boiler and heat exchanger with the setting 30 psi lower than the water service pressure.

D) A pressure relief valve shall be installed downstream of the pressure reducing valve at a setting of five (5) pounds above the pressure reducing valve.

6) Any boiler using toxic chemicals or conditioning chemicals shall have a label (with a minimum size of 5"x5") attached to the boiler in a conspicuous place. The label shall read as follows:

WARNING

Chemicals and additives used to treat the boiler feed water in this boiler are not approved for potable water. The steam produced by this boiler is not potable. If the steam produced by this boiler is used to heat water, the water

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

will not be considered potable if the steam and potable water are mixed.

- 7) Direct Fired Instantaneous Heaters. (Storage tank of more than 64 fluid ounces.) Direct fired instantaneous water heaters shall be equipped with a thermostatic mixing valve or valves. A pressure relief valve shall be installed on or adjacent to the heater. A temperature and pressure relief valve shall be installed on the tempered line with the temperature sensing element immersed in the tempered water pipe as close as possible to the mixing valve.

A) Point-of-use instantaneous water heaters (high temperature, non-storage or storage of 64 fluid ounces or less, non-pressurized relative to atmosphere) shall meet the following requirements: Units intended to deliver temperature exceeding 110°F, or with no mechanical or electrical temperature limiting device must have the faucet located at least 3" from the 110°F hot water or cold water faucet. All such faucet outlets shall have labels clearly and conspicuously indicating extremely hot water.

B) All pressurized point-of-use water heaters shall have provisions as a part of the unit to provide temperature and pressure relief. Valves shall be set to relieve at 200 above controlled set point and at 125 psi or at 15 psi below pressure rating of lowest rated part of the assembly, whichever is the lowest.

- 8) Indirect, External, Submerged Coils. Indirect, external, tankless or submerged coils used in heating water shall be equipped with a thermostatic mixing valve or valves when not connected to a storage tank. A pressure relief valve shall be installed on the cold water inlet of the tank. A temperature and pressure relief valve shall be installed on the tempered line with the sensing element immersed in the tempered water line as close as possible to the mixing valve.

9) Steam Heat. All water heaters including storage heaters, instantaneous shell and tube heat exchangers, steam injection heaters and any other device using steam to heat water for potable use shall meet the following requirements:

- A) All chemicals and additives used to treat the boiler feed water in a boiler supplying steam to heat potable water must be approved for potable water.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- B) Steam pressure to the steam injector shall be 15 psi lower than the water pressure at the injector.

10) Temperature Override Protection. All water heating devices using steam to heat water for domestic purposes must be supplied with temperature controls to prevent users of this heated water from coming in contact with water at temperatures in excess of 120°F.

b) Water Heaters - Food Service. Water heaters installed and utilized in food service establishments using dishwashing machines shall comply with National Sanitation Foundation (NSF) Standard Number 5.

c) A water heater conforming to ANSI Z21.10.1a-1988 to be used for hot water supply and space heating shall be constructed for continuous use and the piping for space heating shall be used for no other purpose than to an approved terminal heating device. Point-of-use instantaneous water heaters (high-temperature, non-storage or storage of 64 fluid ounces or less, non-pressurized relative to atmosphere) shall meet the following requirements:

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

SUBPART K: DRAINAGE SYSTEM

Section 890.1720 Building Drain and Sewer Installation

- a) Separate Trenches. See Section 890.1560.
- b) Drain - Filled Ground. A building drain installed in filled ground shall be of cast iron; copper Type "K", non-metallic Schedule 40 or heavier. Except for cast iron, such installations shall be laid on a continuous supporting system.
- c) Sanitary and Storm Drains. Where separate systems of sanitary drainage and storm drainage are installed in the same premises, the sanitary and storm building drains may be laid in a common trench.
- d) Existing House Drains and Sewer. Existing house drains and sewer may be used in the renovation of the plumbing system of existing structures, if they are in serviceable condition.
- e) Protection of Pipes. Trench bottoms shall be hand trimmed to grade with provision for bedding of the pipe throughout its entire length. Adequate excavations shall be made to accommodate the bells or couplings to prevent unnecessary stress. Joints shall be waterproof and root proof and shall be in accordance with the requirements

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

contained in Subpart D Article-IV. Trenches shall be backfilled and compacted to a distance of at least eighteen (18) inches above the top of the pipe with hand tools prior to the use of mechanical equipment used for backfilling purposes. See Section 890.300.

- f) Horizontal Drainage Piping. Horizontal drainage piping shall be installed in a uniform slope. See subsections (g), (h) and (i) below.
- g) Small Piping. Horizontal drainage piping of three (3) inch diameter or less shall be installed with a fall of not less than one-quarter (1/4) inch per foot. See Exhibit G, Table K.
- h) Large Piping. Horizontal drainage piping larger than three (3) inches in diameter shall be installed with a fall of not less than one eighth (1/8) inch per foot. See Exhibit G, Table K.
- i) Minimum Velocity. Where conditions do not permit building drains to be laid with a fall as great as that specified above, then a lesser fall may be permitted provided the computed velocity will not be less than two (2) feet per second.
- j) Location of Drains. All building drains, branches of building drains, building sewer or any sanitary sewer may be located to within 10 feet of a well or suction line from the pump to the well when cast iron pipe with mechanical joints or Schedule 40 Polyvinyl Chloride pipe with water tight joints is used for the building sewer. Drains not conforming with this type of joint shall be located fifty (50) feet from a well.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.1750 Determination of Sizes for Drainage System

- a) Minimum Fixture-Unit Load. The maximum number of drainage fixture units that may be connected to a given size of building drain, horizontal branch, or vertical soil or waste stack is given in Exhibit G, Tables K and L.
- b) Minimum Size of Building Drain, Horizontal Branch.
 - 1) The minimum size of any gravity building drain shall be four (4) inches.
 - 2) Pressure building drains shall not be used where gravity drains may be installed. Pressure building drains shall be sized in accordance with the ejector pump manufacturer's recommendation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- but shall not be less than two (2) inches in size.
- 3) Gravity drained horizontal branches of the building drain shall be sized in accordance with Exhibit G, Table K.
- 4) No portion of the drainage system installed underground or below a basement or cellar shall be less than two (2) inches in diameter.
- 5) The size of the drainage piping shall not be reduced in size in the direction of flow.
 - e) Minimum Size of Soil and Waste Stacks. No soil or waste stack shall be smaller than the largest horizontal branch connected thereto except that a 4 x 3 water closet connection shall not be considered as a reduction in pipe size.
 - f) Minimum Size of Stack Vent. Each structure in which building drains are installed shall have one (1) stack vent not less than three (3) inches in diameter carried full size through the roof to the outside atmosphere for each building drain. See Exhibit G, Table L.
 - g) Future Fixtures. When provision is made for the future installation of fixtures, those provided for shall be considered in determining the required size of drain pipes and vent piping during initial construction. Piping provided for such future installation of fixtures shall be terminated with a plugged fitting or fittings at the stack so as to form no dead end. In a multistory building, when openings are roughed in for future fixtures below the uppermost level, properly sized vent piping shall be connected to the vent system and carried down to the appropriate lower level and capped or plugged in an accessible location for venting of the future fixtures.

(Sources: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

SUBPART L: VENTS AND VENTINGS

Section 890.2000 Installation of Vents for Fixture Traps

- a) Hydraulic Gradient. Fixture drains shall be vented within the hydraulic gradient between the trap outlet and vent connection. The hydraulic gradient as applied to a gravity drain and its vent connection is interpreted as the grade line. See Exhibit G, Table

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

M. See Exhibit F, Illustration P.

- b) Different Level. If any stack has fixtures entering at different levels, the fixtures other than the fixtures entering at the highest level shall be vented, except as otherwise provided. See Section 890.2020.
- c) Horizontal drains. When fixtures discharge downstream from a water closet, each fixture downstream shall be individually vented.

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.2110 Combination Waste and Vent (Floor Drains, Floor-Sinks and Hub Drains)

- a) See Section 890.1750.
- b) Combination Waste and Vent. A combination waste and vent shall be permitted only where structural conditions preclude conventional plumbing. A combination waste and vent is an installation of waste piping end vented for the discharge of condensate or drip waste. Appurtenances delivering large quantities or surges of water may not be discharged to a combination waste and vent.
- 1) The waste pipe and trap in such a system shall be at least two (2) pipe sizes larger than the pipe size required in a conventional system. By Exhibit G, Table K, of this Code and at least two pipe sizes larger than any fixture/appurtenance discharge tail piece.
- 2) A branch more than fifteen (15) feet in length shall be separately vented. The minimum area of any vent installed in a combination waste and vent system shall be one-half (1/2) the area of the drain pipe served.
- 3) Sinks, lavatories and other fixtures that rough-in above the floor, shall not be permitted on a combination waste and vent system.
- 4) Long mains shall be provided with additional relief vents located at intervals of every one-hundred feet. The relief vent shall be equal to at least one-half (1/2) of the area of the drain pipe served.
- 5) The minimum size of any combination waste and vent drainage line shall be four (4) inches in diameter.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 6) A combination waste and vent is waste piping which serves as a horizontal vent for one or more floor drains. The dual function is accomplished by installing waste piping of sufficient size to provide free movement of air above the flow line of the drain. Pipe sizing is essential in the installation of a combination waste and vent to prevent trap siphonage. (See Exhibit F, Illustration CC).

(Source: Amended at 14 Ill. Reg. 1385, effective January 10, 1990)

SUBPART N: PLUMBING SYSTEMS/CORRECTIONAL FACILITIES

Section 890.3010 Water Closets

- a) All stainless steel water closets shall be of stainless steel (Type 304) construction, including framework, reinforcing and interior piping.
- b) The bowl and flushing rim shall not be less than 14 gauge.
- c) The closet shall have a minimum of a three (3) inch, fully enclosed stainless steel P-trap and shall pass a 2-5/8" ball.
- d) All welds shall be ground smooth, and exterior surfaces polished.
- e) Integral contoured seats that are self draining and crevice-free shall be a part of the water closet.
- f) Vitreous china water closets complying with ANSI Standard A.112.19.1 may be used.

(Source: Added at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.3020 Urinals

All stainless steel urinals shall be fabricated of stainless steel (Type 304) with exposed edges polished. All exposed welds are to be ground smooth. All construction is to be free from visible voids, seams or crevices. The trap

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

shall provide a two (2) inch seal and pass a 1.9" ball. It shall be fitted with a integrally welded steel beehive dome strainer. (Vitreous china urinals (A.112.19.2) may be used.)

(Source: Added at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.3030 Combination Lavatory/Toilet

a) The cabinet shall be of stainless steel (Type 304) with a minimum of 12 gauge for the cabinet and 14 gauge for the top.

b) The cabinet top shall have a backsplash.

c) The lavatory shall include metering valves on the hot and cold self-closing filler valve with a maximum 1/2 gpm flow control and a combination penal filler/bubbler spout. A maximum of 105°F temperature is allowed.

d) The lavatory drain shall not have a mechanical air vent attached.

e) Supply inlets to the lavatory shall have screw driver stops, gate or globe valves.

f) The water closet shall have no less than a three (3) inch, fully enclosed stainless steel toilet P-trap and shall pass a 2 5/8" ball.

(Source: Added at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.3040 Service Sinks/Lavatory

a) Stainless steel Security Sinks/Lavatories shall be fabricated of stainless steel (Type 304) with the exterior surfaces polished. All exposed welds are to be ground smooth and there shall be no visible voids, seams or crevices. (Cast iron (A.112.19.1M) or vitreous china (A.112.19.2) sinks may be used.)

b) Security Sink/Lavatory shall include the following features; self-closing valve set with integral stops, gate or globe valves, reversible union inlets, and plain-end filler spout; grid strainer drain, elbow waste with a two (2) inch NPT female connection.

c) The waste assembly shall conform with Section 890.730(b)(1), and be of brass, copper or bronze construction.

d) Drains with air vents are prohibited.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.3050 Sinks

a) All stainless steel sinks for food preparation or cleansing of utensils used to prepare food shall be of stainless steel (Type 304) construction, including framework and reinforcing. (Cast iron (A.112.19.1M) may be used.)

b) All welds shall be ground smooth, and exterior surfaces polished.

c) All sinks shall be provided with waste outlets not less than 1-1/2 inches in diameter. A crossbar, strainer, or other means shall be provided to restrict the clear opening of the waste outlet. No kitchen sink basket shall be less than 3-1/2 inches in diameter.

d) Waste lines and water supply lines shall conform with Sections 890.210 through 890.2120.

(Source: Added at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.3060 Cabinet Showers

a) All cabinet showers shall be a unitized one-piece fixtures of stainless steel with the exposed surfaces polished, except the receptor which shall have a non-skid surface. All exposed welds shall be ground smooth and all construction is to be free of visible voids, seams or crevices.

b) Shower compartments shall have not less than 1,024 square inches of floor area, and if rectangular, square, or triangular in plan, shall be not less than thirty (30) inches in shortest dimension, excluding the threshold.

c) The valve shall be a metering type with a maximum of 2.5 gallons per minute flow control, integral screwdriver stop, gate or globe valves.

d) The shower shall include a stainless steel soap dish, shower head and clothes hook, designed for correctional facility use.

e) The shower head within shower cabinets or site constructed showers shall be located in such a manner so as not to pose an insinatory or nuisance condition outside the shower area. The shower heads are to be on a side wall or over-head so as not spray water out of the shower cabinet or area and create a hazard on the tile floor or cause

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

water to pond in areas other than the shower area.

(Source: Added at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.3070 Flush Valves

- a) All flush valves for water closets or urinals shall conform with Sections 890.1070 (e) and 890.1080 (b) of this code.
- b) All flush valves shall feature rubber diaphragm operation, non-hold-open, push buttons (and handles), union check stops and plumbing code approved vacuum breakers. See Sections 890.1050, 890.1540 (c), and 890.1550 (a), (b) and (c).

- c) Flush valves shall be concealed wherever possible.

(Source: Added at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.3080 Soap Dishes

Soap dishes shall be of the air circulating, self draining design.

(Source: Added at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.3090 Floor Drains

All floor drains shall be properly trapped and vented with each drain cover securely anchored by means of vandal resistant screws.

(Source: Added at 14 Ill. Reg. 1385, effective January 10, 1990)

Section 890.4000 General Requirements

- a) All material, fittings, appurtenances, devices shall be in accordance with standards listed in Section 890. Table D - Exhibit G.
- b) The drainage and venting for security fixtures shall be in accordance with Sections 890.1710 through 890.1790, 890.1410 through 890.1470 and 890.1910 through 890.2120.
- c) The water supply for security fixtures shall be in accordance with Sections 890.1510 through 890.1670. Note: A full-way valve for each cell shall be located outside the cell.

(Source: Added at 14 Ill. Reg. 1385, effective January 10, 1990)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Client Financial Participation

- 2) Code Citation: 89 Ill. Adm. Code 562

- 3) Section Numbers: 562.30
Adopted Action: amendment

- 4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a), (b), and (k)).

- 5) Effective Date of Amendments: January 8, 1990

- 6) Does this rulemaking contain an automatic repeal date?
Yes X No

- 7) Does this amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: January 4, 1990

- 9) Notice of Proposal Published in Illinois Register:

September 15, 1989, 13 Ill. Reg. 14313
(issue date)

- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:

A) Statement of Objection: (issue date), Ill. Reg. (issue date)

B) Agency Response: (issue date), Ill. Reg. (issue date)

C) Date Agency Response Submitted for Approval to JCAR:

- 11) Difference(s) between proposal and final version: Pursuant to agreements made with the Administrative Code Division and the Joint Committee on Administrative Rules, the following changes have been made:

1. The table in Section 562.30(e)(1) was moved 1/2 inch to the right.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

2. The authority note was updated.
3. In Section 562.30(a)(6), an example was cited which states "(e.g., job coaching)".
4. In Section 562.30(d)(4)(D), the phrase "(as determined when the counselor and client develop the Individualized Written Rehabilitation Program (IWRP) at 89 Ill. Adm. Code 572)" was added.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

- 13) Will this rule replace an Emergency Rule(s) currently in effect? No

- 14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

- 15) Summary and Purpose of Rule(s): Section 562.30 (a) (6) was amended to correct an error adopted in a previous amendment. Section 562.30 (c) (2) was amended correctly in a previous amendment, but the procedure was not shown. Therefore, we are striking through and re-introducing "to pay" in order to correctly amend this Section. We have also deleted child care expenses from the calculation for "total outgo".

Section 562.30 (a) was amended to include the supported employment program as an exception to the economic needs test, and to make some minor changes.

Language is being added to Section 562.30 (d) (2) to include the client's (or client's family's) most recent federal income tax return as documentation of the client's adjusted gross income.

Section 562.30 (d) (3) is being deleted and subsection (c) (4) added to more accurately detail income considered for completion of the financial analysis.

Section 562.30 (d) (4) (D) was amended to add modifications to a client's home as an unusual allowable expense.

Section 562.30 (d) (6) is being deleted because child care expenses will have been deducted on the client's most recent income tax return.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 562.30 (e) increases the Standard Budget Allowance in accordance with the U.S. Department of Agriculture's Income Eligibility Guidelines for Child Nutrition Program.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 562

CLIENT FINANCIAL PARTICIPATION

Section	General Applicability
562.10	Exclusions from Economic Needs Test
562.20	Financial Participation
562.30	Parental or Guardian Participation in Completing the Financial Analysis Form
562.40	Client Emancipation (Repealed)
562.50	Consideration of Settlements from Litigation or Other Sources
562.60	
562.70	Refusal to Financially Participate
562.80	Timing of Financial Analysis
562.90	Annual Review of Financial Analysis
562.100	Exclusion for Public Aid Recipients (Repealed)
Table A	Determination Table for Client Participation

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a),(b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 27, 1989; amended at 14 Ill. Reg. 1466, effective January 8, 1990.

Section 562.30 Financial Participation

a) If the economic needs test has not been presumptively met, a financial analysis to evaluate the financial ability of the client, or client's family, to share in the purchase of Vocational Rehabilitation Services shall be applied to all Department of Rehabilitation Services (DORS) services (as contained in 89 Ill. Adm. Code: Chapter IV, Subchapter b, "Vocational Rehabilitation") except the following:

- 1) diagnostic services, including the supportive services (89 Ill. Adm. Code 607) required for the diagnostic process to take place;

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) counseling, guidance, referral and placement (89 Ill. Adm. Code 612),
 - 3) interpreter, reader, attendant, and notetaker services,
 - 4) fees for work adjustment training (89 Ill. Adm. Code 530.130(c)), including the work/study component of the nine month hearing impaired pre-vocational program at Northern Illinois University,
 - 5) fees for on-the-job training (OJT), and
 - 6) services provided through the supported employment program (89 Ill. Adm. Code 530.130(a)(2)(B))(e.g., job coaching), and
 - 6+7) "maintenance" (89 Ill. Adm. Code 602) and "other services" (89 Ill. Adm. Code 607) which are in support of an exempt service specified in subsections (a)(1) through (5) (3) above.
- b) When the financial analysis indicates that the client, or spouse, or parents or guardians of minor children are able to financially participate in the client's program, their participation is required.
- c) The financial analysis is based upon net available income, which is the client's and/or family unit's total income, minus total outgo.
- 1) Total income equals income earned and unearned income ~~other assets~~ plus any increases or decreases expected by the client for the twelve (12) months following completion of the Financial Analysis form (IL488-0265).
 - 2) Total outgo equals the Standard Budget Allowance plus unusual allowable expenses and ~~child care~~ expenses which the client expects to pay to pay within the twelve (12) months following the completion of the Financial Analysis form.
 - 3) Net available income determines the dollar amount of client participation. (See Table A.)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

4) The client is not required to sell property, take out a mortgage or liquidate insurance policies, stocks/bonds, or C.D.'s; however, earnings from such investments are considered as available unearned income for completion of the financial analysis.

d) For the purposes of completing the Financial Analysis form, determining if economic need exists, and determining the amount of client participation, the following definitions/terms are applicable:

1) The "Family Unit" refers to the client, or spouse or parents or legal guardians of minor children, or other family members residing in the household who are designated as dependents on the client's, spouse's, or guardian's latest federal income tax return.

2) "Income" utilizes the definition of gross adjusted income as used by the U.S. Internal Revenue Service (26 CFR 1.62-1(a), (1986)) and as documented by the client's (or client's family's) most recent federal income tax return. The rule incorporated by reference does not include any later amendments or revisions.

3) "Other Assets" means cash that is not included in income or assets which are anticipated to be converted to cash within the next twelve (12) months (e.g., Certificates of Deposit).

34) The "Standard Budget Allowance" (SBA) is the figure established by DORS to be a reasonable amount to cover all necessary expenses for a family unit of a specific size to maintain a modest standard of living.

45) "Unusual Allowable Expenses" are:

A) medical or other expenses (e.g., medical equipment, prescriptions, etc.) related to the disability of the client or the disability of other family members (i.e., of the family unit) based on information provided by the client, and/or which have not been deducted from the client's most recent federal income tax return or paid by any other source.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

B) post-secondary education expenses of other members of the family unit, or
C) expenses related to the purchase of a van, as set forth in 89 Ill. Adm. Code 597.200(b), or
D) modifications (not to exceed \$2,000 per year) to a home if necessary (as determined when the counselor and client develop the Individualized Written Rehabilitation Program (IWRP) at 89 Ill. Adm. Code 572) due to client's disability.

6) Child Care Expenses are:

A) expenses which the client expects the family unit to pay to afford the client, spouse, or legal guardian to be employed, or
B) anticipated child support payments if the child is or will be claimed as a dependent.

e) Standard Budget Allowance

1) The Standard Budget Allowance is as follows:

NUMBER OF DEDUCTIONS CLAIMED ON TAX RETURN	\$ AMOUNT OF ALLOWANCE
1	\$10,175\$11,063
2	\$3,690\$14,837
3	\$7,205\$18,611
4	\$9,720\$22,385
5	\$2,235\$26,159
6	\$3,750\$29,933
7	\$3,265\$33,707
8	\$4,780\$37,481

Add \$3,515\$3,774 for each additional family member beyond eight members.

2) The SBA amount for a family of one is not applicable to a training case (89 Ill. Adm. Code 592); instead, determine the client's planned subsistence costs during a training program and use these as the budget basis.

(Source: Amended at 14 Ill. Reg. effective January 8, 1990 1466

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Training Services
- 2) Code Citation: 89 Ill. Adm. Code 592
- 3) Section Numbers: Adopted Action:
 592.30 amendment
 592.50 amendment
 592.55 new section
 592.60 amendment
 592.65 new section
 592.75 new section
- 4) Statutory Authority:
 Implementing and authorized by Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a), (b), and (k), as amended by Public Act 85-1351, effective September 1, 1988)
- 5) Effective Date of Amendments: January 5, 1990
- 6) Does this rulemaking contain an automatic repeal date?
 Yes X No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 2, 1990
- 9) Notice of Proposal Published in Illinois Register:
 September 15, 1989, 13 Ill. Reg. 14338
 (issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
 A) Statement of Objection: (issue date), Ill. Reg. _____
 B) Agency Response: (issue date), Ill. Reg. _____
 C) Date Agency Response Submitted for Approval to JCAR:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 11) Difference(s) between proposal and final version: Pursuant to agreements made with the Administrative Code Division and the Joint Committee on Administrative Rules, the following changes have been made:
- 1) A semicolon replaced a comma in line 1 of the main source note, following "1985".
- 2) In Section 592.65, in line 3 of the opening paragraph, the statutory citation was reworded to say, "(as authorized by Title IV of the Higher Education Act, as amended (20 U.S.C. 1091(a)(3))".
- 3) An example was added to Section 592.55(c) after "signing skills" to clarify, "(e.g., the ability to sign and read sign language)".
- 4) In Section 592.65(b), "responsible" was deleted from the first line.
- 5) In Section 592.75(b), the language, "have been granted an exception by a Regional Administrator or his/her designee e.g., client" has been deleted, and subsection (c) has been added to state, "are married students with dependents who rely on DORS' sponsorship to provide their housing during training."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
 Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- Section Numbers Proposed Action Illinois Register Citation
- 15) Summary and Purpose of Rule(s): Section 592.30 has been amended to eliminate reference to the Management Control Project.
- Section 592.50 has been amended to state that DORS may pay the chargeback for a client to attend a community college outside his/her community college district due to program accessibility only if the local community college district refuses to pay it.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 592.60 provides the requirements necessary for tutors for deaf persons.

Section 592.60 has been amended to emphasize that graduate school is provided for entry level employment only.

Section 592.65 has been adopted to promulgate policies concerning financial assistance for post-secondary education for a client who is in default status on any educational grants or loans.

Section 592.75 has been adopted to promulgate the requirements necessary for DORS to provide summer school for a client.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 592
TRAINING SERVICES

Section
592.10
592.20
592.30
592.40
592.45
592.50
592.55
592.60
592.65
592.70
592.75
592.80
592.90

General Applicability
Training Objectives
Insurance Requirement
Transportation
Training Institution Qualifications
Tuition
Tutorial (Education or Language) Services for Deaf
Individuals
Graduate School Training
Default on Educational Grants and Loans
Books and Supplies
Summer School
Grades
On-the-Job Training

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a),(b), and (k), as amended by Public Act 85-1351, effective September 1, 1988)

SOURCE: Adopted at 9 Ill. Reg. 8850, effective June 10, 1985; amended at 11 Ill. Reg. 9958, effective May 8, 1987; amended at 11 Ill. Reg. 20211, effective November 30, 1987; amended at 13 Ill. Reg. 1573, effective January 23, 1989; amended at 14 Ill. Reg. 1473, effective January 5, 1990

Section 592.30 Insurance Requirement

DORS clients attending academic training are to obtain medical health-related insurance offered by the training institution unless they are covered by a comparable private plan which provides the same or equal level of benefits. If the client is enrolled full time and meets the economic needs test, DORS will assist in purchasing such coverage as set forth in 89 Ill. Adm. Code 562 "Client Financial Participation" - Management Control Project" (89 Ill. Adm. Code 562).

(Source: Amended at 14 Ill. Reg. 1473, effective January 5, 1990)

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 592.50 Tuition

- a) If a client is attending a private school or an out of state school merely out of choice and comparable quality training based upon accessibility, course offerings, and reputation is available at a state-operated facility, DORS may authorize for the total cost of attendance (including tuition, fees and maintenance) up to the maximum amount the highest state-operated facility would cost, less scholarships, other similar benefits (89 Ill. Adm. Code 567), and client participation (89 Ill. Adm. Code 562).

- b) If a client is attending a private school or an out of state school because there is no comparable training available at a state-operated facility, costs less than a state-operated school, or is doing so because of medical recommendations from the client's physician, DORS will authorize for the total cost (including tuition, fees, and maintenance), less scholarships, similar benefits, and client financial participation.

- c) If a client chooses to attend a community college outside his/her community college district due to program accessibility, and the IWRP (89 Ill. Adm. Code 572) reflects the counselor's agreement with the decision, DORS may pay the charge back only if the local community college district refuses to pay it. Documentation of the refusal must be obtained prior to authorization. Identical courses are available in his/her district, DORS will only authorize the total cost of attendance (including tuition, fees and maintenance) up to the amount it would cost at the local district community college, less scholarships, other similar benefits, (89 Ill. Adm. Code 567) and client participation (89 Ill. Adm. Code 562) if any.

(Source: Amended at 14 Ill. Reg. 1473
effective January 5, 1990)

Section 592.55 Tutorial (Education or Language) Services for Deaf Individuals

Tutors must:

- a) be certified by the State Board of Education, or

- b) hold a bachelor's degree in deaf education (a special education program which meets the unique needs of students whose primary disability is an auditory impairment) from an accredited college/university, or

- c) be approved by the Manager, DORS' Division of Services for the Hearing Impaired (DSHI), based on the applicant's signing skills (e.g., the ability to sign and read sign language) and related experience/education (e.g., tutoring, any post-secondary work toward a degree in deaf education or a unique understanding of the language and culture of deafness based on his/her personal or professional experience). Applicants providing a letter of recommendation from other service providers (attesting to the applicant's signing skills, educational background and experience) shall not be required to appear for a personal interview, but must submit a resume. Applicants without a letter of recommendation from other service providers shall be required to appear for a personal interview, demonstrate signing skills, and submit a resume.

(Source: Added at 14 Ill. Reg. 1473
effective January 5, 1990)

Section 592.60 Graduate School Training

Graduate school is provided only when the counselor determines that it is necessary for a client to achieve the vocational goal for entry level employment established in the client's IWRP.

(Source: Amended at 14 Ill. Reg. 1473
effective January 5, 1990)

Section 592.65 Default on Educational Grants and Loans

DORS shall not provide financial assistance for post-secondary education to a client who is in default on any educational grant or loan, (as authorized by Title IV of the Higher Education Act, as amended (20 U.S.C. 1091(a)(3)) unless the counselor determines that:

- a) a repayment or deferral agreement has been made with the lender; or

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) a repayment effort is being made by the client, however due to the client's financial situation, a repayment or deferral agreement cannot be reached with the lender.

(Source: Added at 14 Ill. Reg. 1473
effective January 5, 1990)

Section 592.75 Summer School

Summer school shall be provided only for those clients who:

- a) will graduate at the conclusion of the summer term; or
 b) must complete a course sequence for degree/graduation requirement that is offered only in the summer; or
 c) are married students with dependents who rely on DORS' sponsorship to provide their housing during training.

(Source: Added at 14 Ill. Reg. 1473
effective January 5, 1990)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Revised Uniform Limited Partnership Act
- 2) Code Citation: 14 Ill. Adm. Code 170
- 3) Section numbers: 170.20
Adopted Action:
New Section
- 4) Statutory Authority: Implementing and authorized by the Revised Uniform Limited Partnership Act (Ill. Rev. Stat. 1987, ch. 106 1/2, pars. 151-1 et seq.)
- 5) Effective Date of Amendment: January 15, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 15, 1990
- 9) Notice of Proposal Published in Illinois Register:
September 22, 1989 - 13 Ill. Reg. 14824
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:
 1. In the authority note, changed "pars. 151-2" to "pars 151-1".
 2. In Section 170.20, in the Section source note, changed "amended" to "added".
 3. Modified Section 170.20(a)(3) to read as follows: "A foreign corporation not qualified in Illinois shall be in good standing in its state of formation and provide a certificate to that effect of such state or jurisdiction with the partnership registration application which shall be executed by a corporate officer."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

This amendatory rulemaking will only clarify the practice that general partners which are corporations or limited partnerships in limited partnerships must be in good standing under the Illinois Business Corporation Act or the general corporate law of another state, or the limited partnership law of Illinois or another state to have the legal existence to act as a general partner.

16) Information and questions regarding this adopted amendment shall be directed to:

Philip S. Howe
Counsel to the Secretary
298 Centennial Building
Springfield, Illinois 62706
(217)785-3094

The full text of the Adopted Amendment begins on the next page:

SECRETARY OF STATE
NOTICE OF ADOPTED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE
PART 170
REVISED UNIFORM LIMITED PARTNERSHIP ACT

Section	
170.10	Definitions
170.11	Filing Locations
170.12	Business Hours
170.13	Fees
170.14	Service of Process
170.15	Additional Requirements for Forms
170.16	Assumed Names
170.17	Sale of Information
170.20	Filing Requirements

AUTHORITY: Implementing and authorized by the Revised Uniform Limited Partnership Act (Ill. Rev. Stat. 1987, ch. 106½, pars. 151-1 et seq.).

SOURCE: Adopted at 11 Ill. Reg. 10314, effective July 1, 1987; amended at 14 Ill. Reg. 1480, effective January 15, 1990.

Section 170.20 Filing Requirements

- a) Corporations serving as general partners in limited partnerships or foreign limited partnerships must comply with the following:
- 1) a domestic corporation shall be in good standing in Illinois and the partnership registration application shall be executed by a corporate officer.
 - 2) a foreign corporation qualified in Illinois shall be in good standing in Illinois and the partnership registration application shall be executed by a corporate officer.
 - 3) a foreign corporation not qualified in Illinois shall be in good standing in its state of formation and provide a certificate to that effect of such state or jurisdiction with the partnership registration application which shall be executed by a corporate officer.
- b) Limited partnerships serving as general partners in limited partnerships or foreign limited partnerships must comply with the following:

ILLINOIS REGISTER

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) a domestic limited partnership must be in good standing in Illinois and the partnership registration application shall be executed by a general partner.
- 2) a foreign limited partnership qualified in Illinois shall be in good standing in Illinois and the partnership registration application shall be executed by a general partner.
- 3) a foreign limited partnership not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect of such state or jurisdiction with the partnership registration application which shall be executed by a general partner.

(Source: Added at 14 Ill. Reg. 1480, effective January 15, 1990

ILLINOIS REGISTER

1484
90

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Allocation of Water from Lake Michigan
- 2) Code Citation: 92 Ill. Adm. Code 730
- 3) Section Numbers: Adopted Action:
730.301 Amendment
730.307 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 19, par. 119 et. seq.
- 5) Effective date of rules: January 3, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in agency's principal office: December 29, 1989
- 9) Notice of proposal published in Illinois Register:
September 15, 1989, 13 Ill. Reg. 14357
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

In Section 730.301(e), the Department replaced the word, "that" with the word "the" in the phrase which previously stated, "90% of its allocation for that period." The text now matches the text on file with the Administrative Code Division.

The Department deleted the space between "730.204" and "(c)" in Section 730.301(e).

The Department inserted an "s" to the word "constitute" and inserted the word "a" following the word "constitutes" in the last line of Section 730.307(a).

The Department deleted a comma following the word "water" in the second line of text in Section 730.301(f).

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

The Department deleted a comma following the word "hearing" in the third line of text in Section 730.301(f).

In addition, various typographical, grammatical and form changes were made in response to comments from the Administrative Code Division as follows:

In the authority note, the Department replaced the long title of the Act with the statutorily designated short title - "the Level of Lake Michigan Act."

The Department inserted a comma following, "July 1, 1977" in Section 730.301(a).

The Department deleted a hyphen from the word "violation" in Section 730.301(d).

The Department deleted a hyphen from the word "applicable" in Section 730.307(a).

The Department moved the Table in Section 730.307(c)(4) to the right 1/2 inch to the proper level of indentation.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will this rule replace an Emergency Rule currently in effect? NO

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of rules:

By this rulemaking, the Department amends Sections 730.301(c) and 730.301(e) to provide the Department with more flexibility in determining when a permittee's allocation should be adjusted. Currently, if, over a five-year running period, a permittee's actual water use, as compared to the Department's allocation, is either greater than the allocation or less than 95 percent of the allocation, the Department initiates either a "notice of violation" or a "proceeding to modify allocation." Since this window of compliance is quite narrow, the Department is implementing a minor change to expand the range from 90 to 105 percent.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Also, the Department amends Section 730.307 pertaining to "water conservation" to require permittees to adopt an outside water use control ordinance containing lawn sprinkling restrictions. This revision mandatorily requires communities, at a minimum, to restrict lawn sprinkling from May 15 through September 15 of each year. This requirement allows each community the flexibility to determine the specific restrictions on lawn sprinkling and other outside water uses that support the Department's goal of efficient use of Lake Michigan water while meeting their own particular needs and past practices.

Neither of these amendments are required because of a change in Illinois or Federal laws, rules or regulations. Rather, these two minor changes reflect an ongoing effort to administer the Lake Michigan water allocation program as efficiently and effectively as possible in accordance with the "Level of Lake Michigan Act" (Ill.Rev.Stat. 1987, ch. 19, par. 119 et seq.).

The amendments to Sections 730.301(c) and (e) broaden the window of compliance with an allocation thereby benefiting permittees by reducing the need for hearings to make minor adjustments in allocations. Since the hearing process does involve some cost, both to the permittee and to the Department, reducing the need for such a hearing will provide a small economic benefit to communities utilizing the Lake Michigan water allocation program.

The amendment to Section 730.307 improves the Department's water conservation policies. The 1967 U.S. Supreme Court Decree, as amended December 1, 1980, which limits and governs Illinois' diversion, and Section 5 of the "Level of Lake Michigan Act" (Ill.Rev.Stat. 1987, ch. 19, par. 120.1) require that Illinois make efficient use of Lake Michigan water. If Illinois is ever placed in a position where it needs to petition the Supreme Court for an increase in diversion, it must be able to demonstrate that it is using the existing diversion efficiently. Not having an outside water use control program as part of the conservation requirement would definitely be seen as a gap in the Department's efforts to promote the efficient use of Lake Michigan water. As a further benefit, requiring more efficient use of Lake Michigan water (as it relates to lawn sprinkling) will also help to stretch the limited supply to accommodate future growth within the northeastern Illinois

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

region. The excessive use of Lake Michigan water for lawn sprinkling during the drought of the summer of 1988 revealed the impact that outside water use can have on total water consumption and made it evident to the Department that this issue needs to be addressed.

Requiring our permittees to pass a lawn sprinkling control ordinance should not have an adverse economic impact.

In addition to the above-described changes, the Department has corrected a few grammatical errors and has deleted language in Sections 730.307(b)(1) and 730.307(b)(2) pertaining to exceptions during a period of time between 1981 through 1986 which is no longer applicable to this Part.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Daniel Injerd, Chief
Lake Michigan Management Section
Department of Transportation
Division of Water Resources
310 S. Michigan Avenue, Room 1606
Chicago, Illinois 60604
(312) 793-5948

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER I: WATER RESOURCES

PART 730
ALLOCATION OF WATER FROM LAKE MICHIGAN

SUBPART A: GENERAL RULES

Section	
730.101	Scope
730.102	Definitions
730.103	Filing
730.104	Form of Documents
730.105	Service of Documents and Proof of Service
730.106	Computation of Time
730.107	Appearances and Representation
730.108	Designation and Representation
730.109	Public Information
730.110	Severability

SUBPART B: HEARING

Section	
730.201	Applicability
730.202	Authorization of Hearings
730.203	Parties
730.204	Allocation Applications and Petitions for Modification
730.205	Complaint
730.206	Notice of Hearing
730.207	Prehearing Conferences
730.208	Discovery
730.209	Admissions
730.210	Authority of Hearing Officer
730.211	Hearing Procedure
730.212	Subpoenas
730.213	Official Record
730.214	Order of Hearing Officer or Secretary
730.215	Hearing Officer's Proposed Order

SUBPART C: ALLOCATION RULES

Section	
730.301	Allocation Permits
730.302	Application

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Section
730.303 Classification of Water Users
730.304 Water Needs Criteria
730.305 Emergencies
730.306 Transfer of Water Use Rights
730.307 Conservation Practices and Other Permit Conditions
730.308 Duration of Permit and Renewals
730.309 Reporting Requirements
730.310 Petitions for Modification

SUBPART D: ADMINISTRATIVE REVIEW

Section
730.401 Administrative Review
730.402 Modification of Order and Decision of Department

SUBPART E: PENALTIES

Section
730.501 Penalties

AUTHORITY: Implementing and authorized by the Level of Lake Michigan Act (Ill. Rev. Stat. 1987, ch. 19, pars. 119 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 38, p. 223, effective September 9, 1980; amended at 5 Ill. Reg. 9158, effective September 1, 1981; codified at 7 Ill. Reg. 9683; amended at 9 Ill. Reg. 386, effective January 1, 1985; amended at 14 Ill. Reg. 1484, effective January 3, 1990.

NOTE: Capitalization denotes statutory language.

SUBPART C: ALLOCATION RULES

Section 730.301 Allocation Permits

- a) No regional organization, municipality, political subdivision, agency or instrumentality, or any other organization, association or individual desiring to use water from Lake Michigan which is subject to allocation under the Act shall divert or use any such water after July 1, 1977, unless it has previously obtained from the Department a valid allocation permit.
- b) The Department shall issue an allocation permit to any applicant which it determines to be entitled to an allocation of

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

water from the Lake Michigan diversion according to the criteria set out in this Subpart. The permit shall state the allocation which the applicant is allowed, the starting date and duration of the permitted allocation, and such conditions as specified in Sections 730.307 and 730.309 as the Department may require the applicant to comply with in order to receive or to continue to receive its allocated share of the Lake Michigan diversion. Allocations for residential, industrial and commercial uses will be limited for each annual accounting period. Allocations for navigational makeup and discretionary dilution will be a limited by a running average over five annual accounting periods. Allocations for lockage and leakage will be limited by a running average over 40 annual accounting periods.

c) If, over a five-year running period, a permittee appropriates water in amounts which exceed or if it appropriates in excess of 115 percent of its allocation in any one annual accounting period, the Department shall issue a notice of violation of the allocation permit.

d) If a permittee commits a permit violation under paragraphs subsections (a), (b) or (c) above or if it fails to observe the conditions attached to its allocation permit, the Department shall issue a notice of violation. Upon hearing and determination of said violation, the permittee shall be deemed to have failed to obey an order made by the Department and may be subject to a fine of not less than \$1,000 or not more than \$10,000 to be recovered in the name of the People of the State of Illinois in any court of competent jurisdiction. Each day in which the prohibited activity continues shall constitute a new and separate violation of a Department order.

e) If over a five-year running period, a permittee appropriates water in amounts which are less than 95% 90% of its allocation for the period, any entity or the Department on its own motion may initiate proceedings for a modification according to Sections 730.204(c) and 730.310. Any such modification shall be preceded by notice as provided in Section 730.206 and a hearing held in conformance with Subpart B of this Part.

f) If a permittee, because of physical limitations, cannot use an allocation, the Department may allocate this water after notice and a hearing to another use during an accounting period or hold it in reserve for future use without prejudice

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

to any permittee's allocation in succeeding accounting periods.

(Source: Amended at 14 Ill. Reg. 1484, effective January 3, 1990)

Section 730.307 Conservation Practices and Other Permit Conditions

a) The Department shall condition allocations within a user category upon required conservation practices for each user category as specified in sub-paragraphs subsections (b) and (c). Failure by any permittee to meet the conservation requirements applicable to it within a reasonable period of time will, upon notice, hearing and determination of such failure, constitute a violation of a Department order.

b) As a condition of receiving an allocation of Lake Michigan water, all permittees will agree to submit to the Department proposals designed to reduce or eliminate wasteful water use and to reduce unaccounted-for flows to 12% or less in 1991 and to 8% or less in 1996 and all years thereafter, based on net annual pumpage, and procedures used to determine efficiency of water metering or accounting in permittee's system.

2) The Department may grant an exception to the unaccounted-for flow requirements only for the period 1991 to 1996. In determining the merits of a request for exception, the Department considers such factors as engineering studies of the unaccounted-for flow of water systems and proposed compliance schedules by the permittee that have been authorized by the governing body of the permittee.

c) The Department shall require evidence of adoptions by the permittee of the following conservation practices as applicable to the particular user:

- 1) Leakage monitoring and correction for storage, transmission and distribution systems.
- 2) Metering of all new construction.
- 3) Metering of existing nonmetered services as part of any major remodeling.
- 4) The adoption of ordinances which require installation of the following water efficient plumbing fixtures based on a pressure at the fixture of 40 to 50 psi in all new construction and in all repair and/or replacement of fixtures or trim:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Fixtures

	Maximum Flow
Water Closets, tank type	3.5 gal per flush
Water Closets, flushometer type	3.0 gal per flush
Urinals, tank type	3.0 gal per flush
Urinals, flushometer type	3.0 gal per flush
Shower Heads	3.0 GPM
Lavatory, sink faucets	3.0 GPM

5) The adoption of ordinances which require the installation of closed system air conditioning in all new construction and in all remodeling.

6) The adoption of ordinances which require that all lavatories for public use in new construction or remodeling be equipped with metering or self closing faucets.

7) The adoption of ordinances which require that all newly constructed or remodeled car wash installations be equipped with a water recycling system.

8) The adoption of ordinances which restrict non-essential outside water uses to prevent excessive, wasteful use. As a minimum, these restrictions shall provide that unrestricted lawn sprinkling will not be allowed from May 15 - September 15 of each year.

9) Development and implementation of public programs to encourage reduced water use.

10) Installation of facilities and implementation of programs to reduce to a reasonable minimum, and to accurately account for, water used for navigational, lockage, and leakage purposes; and pollution treatment, control or abatement purposes.

d) Within 90 days of receipt of an allocation permit, each permittee which uses any water from deep aquifer pumpage shall submit a phased program designed to end this practice, other than for emergency or standby use, within five years of the receipt of Lake Michigan water.

e) As a condition of receiving an allocation of Lake Michigan water, all permittees will limit hydrant uses to 1% or less of net annual pumpage in each annual accounting period. The Department may grant an exception to this requirement if it can

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

be shown by the user that this requirement ~~can not~~ can't be met. In determining the merits of a request for an exception, the Department considers such factors as engineering studies of hydrant uses and unusual circumstances during an annual accounting period.

- f) The Department recommends that all permittees adopt water rate structures based on metered water use and that water rate structures be developed which will discourage excessive water use.

(Source: Amended at 14 Ill. Reg. 1484, effective January 3, 1990)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

- 1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: Emergency Action:
120.74 Amendment
- 4) Statutory Authority: Sections 5-2 and 5-5 et seq. of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pats. 5-2 and 5-5 et seq.)
- 5) Effective Date of Amendment: January 2, 1990
- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed in Agency's Principal Office: January 2, 1990
- 8) Reason for Emergency: Section 301(b) of the Medicare Catastrophic Act of 1988 requires the Department to phase in the income standard for Qualified Medicare Beneficiaries (QMBs) to 100% of the Poverty Level by 1992. This phase-in requires that by January 1, 1990, the percentage of the Poverty Level applicable to the QMB income standard must increase from 80% to 85%. Because this increase will affect the eligibility of persons for QMB benefits, the Department finds adoption of an emergency amendment is merited. Absent implementation of this increase, not only would the Department be out of compliance with federal standards, but the health and welfare of persons affected by this rulemaking would be adversely impacted.

- 9) A Complete Description of the Subjects and Issues Involved: This rulemaking sets out the federally mandated timetable of percentage increases in the Qualified Medicare Beneficiary (QMB) Income Standard. These percentages are tied to the Federal Poverty Income Guidelines.

- 10) Are there any Proposed Amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
120.10	Amendment	October 6, 1989 (13 Ill. Reg. 15582)

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

NOTICE OF EMERGENCY AMENDMENT

Section Numbers	Proposed Action	Illinois Register Citation
120.20	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.60	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.61	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.61	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.62	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.63	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.284	New Section	October 6, 1989 (13 Ill. Reg. 15582)
120.379	New Section	December 8, 1989 (13 Ill. Reg. 19157)
120.384	New Section	October 6, 1989 (13 Ill. Reg. 15582)
120.385	Amendment	December 8, 1989 (13 Ill. Reg. 19157)
120.386	New Section	December 8, 1989 (13 Ill. Reg. 19157)
120.390	Amendment	November 13, 1989 (13 Ill. Reg. 17229)

11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

12) Information and questions regarding this Emergency Amendment shall be directed to:

Name: Dan Leikvold, Staff Attorney
Office of the General Counsel

Address:

Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Emergency Amendment begins on the next page:

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10
120.11

Eligibility For Medical Assistance
Eligibility For Medical Assistance For Pregnant Women
and Infants Under Age One Year Who Do Not Qualify As
Mandatory Categorically Needy

120.20
120.30
120.31
120.40
120.50

MANG(AABD) Income Standard
MANG(C) Income Standard
MANG(P) Income Standard
Exceptions To Use Of MANG Income Standard
AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60

All Cases Other Than Intermediate Care, Skilled
Nursing Care, DMHDD, DMHDD Approved Community Based
Settings and Pregnant Women and Infants Under Age One
Year Who Do Not Qualify As Mandatory Categorically
Needy

120.61
120.62

Cases in Intermediate Care, Skilled Nursing Care and
DMHDD - MANG(AABD) and MANG(C)
Department of Mental Health and Developmental
Disabilities (DMHDD) Approved Home and Community Based
Residential Settings Under 89 Ill. Adm. Code 140.643
Department of Mental Health and Developmental
Disabilities (DMHDD) Approved Home and Community Based
Residential Settings

120.64

Pregnant Women and Infants Under Age One Year Who Do
Not Qualify As Mandatory Categorically Needy

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section

120.70
120.72
120.74
EMERGENCY
120.76

Supplementary Medical Insurance Benefits (SMIB) Buy-In
Program
Eligibility for Medicare Cost Sharing as a Qualified
Medicare Beneficiary (QMB)
Qualified Medicare Beneficiary (QMB) Income Standard
Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80

Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90
120.91

Migrant Medical Program
Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.208
120.210
120.211
120.212
120.215
120.216
120.217
120.218
120.224
120.225
120.230
120.235
120.236
120.240
120.245
120.250
120.255
120.260
120.261
120.262
120.270
120.271
120.272
120.273
120.275

Client Cooperation
Citizenship
Residence
Age
Relationship
Living Arrangement
Supplemental Payments
Institutional Status
Foster Care Program
Social Security Numbers
Unearned Income
Exempt Unearned Income
Education Benefits
Unearned Income In-Kind
Earnmarked Income
Lump Sum Payments and Income Tax Refunds
Protected Income
Earned Income
Budgeting Earned Income
Exempt Earned Income
Recognized Employment Expenses
Income From Work/Study/Training Program
Earned Income From Self-Employment
Earned Income From Roomer and Boarder
Earned Income In-Kind

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section	
120.276	Payments from the Illinois Department of Children and Family Services
120.280	Assets
120.281	Exempt Assets
120.282	Asset Disregards
120.283	Deferral of Consideration of Assets
120.285	Property Transfers
120.290	Persons Who May Be Included in the Assistance Unit
	SUBPART H: MEDICAL ASSISTANCE - NO GRANT
Section	
120.295	Payment Levels for AMI
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Postor Care Program
120.325	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Court Ordered Child Support Payments of Parent/Step-Parent
120.345	Earnmarked Income
120.346	Medicaid Qualifying Trusts

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section	
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.385	Property Transfers for Applications Filed Prior to October 1, 1989
120.386	Property Transfers Effective for Applications Filed on or After October 1, 1989
120.390	Persons Who May Be Included in the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Under Age One Year
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
120.395	Payment Levels for MANG
120.399	Redetermination of Eligibility
AUTHORITY:	Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq. and 12-13).
SOURCE:	Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41,

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10133, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 13 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 120.74 Qualified Medicare Beneficiary (QMB) Income Standard

a) The QMB income standard below is equal to 80% a percentage of the 1989 then current Federal Poverty Level Income Guidelines (54-FR-70977, February-167-1989 as published annually in the Federal Register) for the size of the household. If the household's countable monthly income (see 89 Ill. Adm. Code 112, 113, 120) exceeds the QMB income standard, eligibility for QMB status does not exist. The timetable for the applicable percentage is as follows:

Number in Family	Countable Monthly Income	Number in Family	Countable Monthly Income
1	\$399	5	\$-943

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Section 120.74 Qualified Medicare Beneficiary (QMB) Income Standard (Cont'd.)

Number in Family	Countable Monthly Income	Number in Family	Countable Monthly Income
2	535	6	1079
3	671	7	1215
4	807	8	1351

January - December 1989	- 80%
January - December 1990	- 80%
January - December 1991	- 90%
January - December 1992	- 95%
January 1993 on	- 100%

b) When the number in the household unit exceeds the number provided above, add \$163 for each additional person.

(Source: Emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days.)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part:

The Illinois Formulary for the Drug Product Selection Program

2) Code Citation: 77 Ill. Adm. Code 790

3) Section Numbers:

790.1200
790.1560
790.2097
790.2140
790.2603
790.2618
790.3054
790.3340
790.3420
790.3910
790.4720
790.5220
790.5312
790.5830
790.5837
790.6435
790.6875
790.8900
790.9048
790.9084
790.9320

Emergency Action:

Repealer
Amendment
Amendment
Amendment
Repealer
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Repealer
Amendment
Amendment
Amendment
Amendment
Amendment

4) Statutory Authority:

Implementing and authorized by Section 3.14 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 503.14) and Section 25 of the Pharmacy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 4145).

5) Effective Date of Amendments: January 12, 1990

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date Filed in Agency's Principal Office: December 29, 1989

8) Reason for Emergency:

The Illinois Food, Drug and Cosmetic Act (ch. 56 1/2, par. 503.14) and the Administrative Procedure Act (ch. 127, par. 1005.02), as amended by Public Act 85-451, specifically authorize the Department to implement this rulemaking pursuant to emergency rulemaking.

9) A Complete Description of the Subjects and Issues Involved:

The Department proposes to amend various sections of the Illinois Formulary for the Drug Product Selection Program. These rules are promulgated on the basis of changes in the Food and Drug Administration's recommendation of these drug entities for Drug Product Selection. These changes will be published in the Tenth Edition, Third Supplement of the Illinois Formulary. In accordance with the provisions of Public Act 85-451, these changes will also be published in the Illinois Register as emergency amendments, effective January 12, 1990.

10) Are there any other Proposed Amendments Pending on this Part? Yes.

Section Numbers	Proposed Action	Ill. Reg. Citation
790.580	Amendment	13 Ill. Reg. 16910
790.740	Amendment	13 Ill. Reg. 16910
790.920	New Section	13 Ill. Reg. 16910
790.1140	Amendment	13 Ill. Reg. 16910
790.1686	Amendment	13 Ill. Reg. 16910
790.2097	Amendment	13 Ill. Reg. 16910
790.2902	New Section	13 Ill. Reg. 16910
790.2940	Amendment	13 Ill. Reg. 16910
790.2980	Amendment	13 Ill. Reg. 16910
790.3350	New Section	13 Ill. Reg. 16910
790.3440	Amendment	13 Ill. Reg. 16910
790.3620	Amendment	13 Ill. Reg. 16910
790.4396	Amendment	13 Ill. Reg. 16910
790.4667	New Section	13 Ill. Reg. 16910
790.4670	Amendment	13 Ill. Reg. 16910
790.4680	Amendment	13 Ill. Reg. 16910
790.4720	Amendment	13 Ill. Reg. 16910
790.4740	Amendment	13 Ill. Reg. 16910
790.5620	Amendment	13 Ill. Reg. 16910
790.5720	Amendment	13 Ill. Reg. 16910
790.5872	Amendment	13 Ill. Reg. 16910
790.6275	Amendment	13 Ill. Reg. 16910
790.6340	Amendment	13 Ill. Reg. 16910
790.6370	Amendment	13 Ill. Reg. 16910
790.6452	Amendment	13 Ill. Reg. 16910

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

790.6456	Amendment	13 Ill. Reg. 16910
790.7278	New Section	13 Ill. Reg. 16910
790.7280	Amendment	13 Ill. Reg. 16910
790.7340	Amendment	13 Ill. Reg. 16910
790.7400	Amendment	13 Ill. Reg. 16910
790.7500	Amendment	13 Ill. Reg. 16910
790.7828	Amendment	13 Ill. Reg. 16910
790.8420	Amendment	13 Ill. Reg. 16910
790.8940	Amendment	13 Ill. Reg. 16910
790.9048	New Section	13 Ill. Reg. 16910
790.9050	New Section	13 Ill. Reg. 16910
790.9084	Amendment	13 Ill. Reg. 16910

There is still an emergency in effect on Sections 790.2097, 790.4720, 790.9048 and 790.9084 which is not affected by this set of emergency amendments. The emergency amendments appear at 13 Ill. Reg. 17101, effective October 13, 1989, for a maximum of 150 days. The copies filed in the Administrative Code Unit reflect both emergency rules.

11) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a State mandate.

12) Information and questions regarding this amendment shall be directed to:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor Springfield, Illinois 62761.

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 790

THE ILLINOIS FORMULARY FOR THE DRUG PRODUCT SELECTION PROGRAM

SUBPART A: GENERAL PROVISIONS

SECTION	Introduction
790.20	Consideration of Drug Products for Inclusion in the Illinois Formulary
790.40	Additional Criteria
790.60	Quality Listing
790.80	Generic Drug Entity Headings
790.100	Comments and Specific Administration Requests for Additional Copies
790.120	Prescription Use of Drug Products
790.140	FDA Drug Product Approval and Recommendation
790.160	Availability of Drug Products;
790.180	Pharmaceutical Equivalence
790.200	Single Source Drug Products Exclusion
790.220	Criteria for Exclusion of Drug Products
790.240	Inclusion of Controlled Substances
790.260	Equivalence of Products Requirements
790.280	Selection of Equivalent Drug Products
790.300	Transfer of Prescription Records
790.320	

SUBPART B: APPROVED DRUG PRODUCTS FOR DRUG PRODUCT SELECTION

SECTION	ACETAMINOPHEN; BUTALBITAL
790.420	ACETAMINOPHEN; BUTALBITAL; CAFFEINE
790.460	ACETAMINOPHEN; CAFFEINE; DIHYDROCODEINE BITARTRATE
790.480	ACETAMINOPHEN; CODEINE PHOSPHATE
790.500	ACETAMINOPHEN; HYDROCODONE BITARTRATE
790.540	ACETAMINOPHEN; OXYCODONE HYDROCHLORIDE
790.548	ACETAMINOPHEN; PROPOXYPHENE HYDROCHLORIDE
790.580	EMERGENCY
790.600	ACETAMINOPHEN; PROPOXYPHENE NAPSYLATE
790.620	ACETAZOLAMIDE
790.630	ACETAZOLAMIDE SODIUM
790.660	ACETIC ACID, GLACIAL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

790.700 ACETIC ACID, GLACIAL; HYDROCORTISONE
790.706 ACETONEXAMIDE
790.721 ACETYLCYSTEINE
790.740 ALBUTEROL SULFATE
EMERGENCY
790.756 ALCOHOL; DEXTROSE
790.780 ALLOPURINOL
790.788 AMANTADINE HYDROCHLORIDE
790.798 AMILORIDE HYDROCHLORIDE
790.799 AMILORIDE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE
790.815 AMINOACETIC ACID (Repealed)
790.820 AMINOCAPROIC ACID
790.860 AMINOPHYLLINE
790.900 AMITRIPTYLINE HYDROCHLORIDE
790.905 AMITRIPTYLINE HYDROCHLORIDE; CHLORDIAZEPOXIDE
790.910 AMITRIPTYLINE HYDROCHLORIDE; PERPHENAZINE
790.920 AMOXAPINE
EMERGENCY
790.940 AMOXICILLIN TRIHYDRATE
790.974 AMPHOTERICIN B
790.980 AMPICILLIN SODIUM
790.1020 AMPICILLIN; PROBENECID
790.1060 AMPICILLIN/AMPCILLIN TRIHYDRATE
790.1100 ANISOTROPINE METHYLBROMIDE (Repealed)
790.1120 ASCORBIC ACID; BIOTIN; CYANOCOBALAMIN; DEXPANTHENOL;
ERGOCALCIFEROL; FOLIC ACID; NIACINAMIDE; PYRIDOXINE
HYDROCHLORIDE; RIBOFLAVIN PHOSPHATE SODIUM; THIAMINE
HYDROCHLORIDE; VITAMIN A; VITAMIN E
790.1125 ASCORBIC ACID; CYANOCOBALAMIN; FLUORIDE; IRON; NICOTINIC ACID;
PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE;
VITAMIN A; VITAMIN D; VITAMIN E
790.1127 ASCORBIC ACID; CYANOCOBALAMIN; FLUORIDE; NICOTINIC ACID;
PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE;
VITAMIN A; VITAMIN D; VITAMIN E
790.1129 ASCORBIC ACID; FLUORIDE; IRON; VITAMIN A; VITAMIN D
790.1131 ASCORBIC ACID; FLUORIDE; VITAMIN A; VITAMIN D
790.1140 ASPIRIN; BUTALBITAL; CAFFEINE
EMERGENCY
790.1180 ASPIRIN; BUTALBITAL; CAFFEINE; PHENACETIN (Repealed)
790.1200 ASPIRIN; CAFFEINE; ORPHENADRINE CITRATE (Repealed)
EMERGENCY
790.1220 ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE
(Repealed)
790.1260 ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE
(Repealed)
790.1300 ASPIRIN; CAFFEINE; PROPOXYPHENE HYDROCHLORIDE
790.1345 ASPIRIN; CARISOPRODOL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

790.1360 ASPIRIN; MEPROBAMATE
790.1380 ASPIRIN; METHOCARBAMOL
790.1386 ASPIRIN; OXYCODONE HYDROCHLORIDE; OXYCODONE TEREPHTHALATE
790.1418 ATROPINE
790.1420 ATROPINE SULFATE; DIPHENOXYLATE HYDROCHLORIDE
790.1423 ATROPINE SULFATE; HYOSCYAMINE; PHENOBARBITAL; SCOPOLAMINE
HYDROBROMIDE
790.1425 ATROPINE SULFATE; MEPERIDINE HYDROCHLORIDE
790.1440 AZATHIOPRINE SODIUM
790.1460 BACITRACIN
790.1490 BACITRACIN ZINC; HYDROCORTISONE; NEOMYCIN SULFATE; POLYMYXIN B
SULFATE
790.1500 BACITRACIN ZINC; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
790.1540 BACITRACIN ZINC; POLYMYXIN B SULFATE
790.1560 BACLOFEN
EMERGENCY
790.1570 BENZTROPINE MESYLATE
790.1577 BETAMETHASONE DIPROPIONATE
790.1580 BETAMETHASONE SODIUM PHOSPHATE
790.1620 BETAMETHASONE VALERATE
790.1660 BETHANECHOL CHLORIDE
790.1685 BRETILIUM TOSYLATE
790.1686 BRETILIUM TOSYLATE; DEXTROSE
EMERGENCY
790.1697 BROMODIPHENHYDRAMINE HYDROCHLORIDE; CODEINE PHOSPHATE
790.1700 BROMPHENTRAMINE MALEATE
790.1706 BROMPHENTRAMINE MALEATE; CODEINE PHOSPHATE;
PHENYLPROPANOLAMINE HYDROCHLORIDE
790.1708 BROMPHENTRAMINE MALEATE; DEXTROMETHORPHAN HYDROBROMIDE;
PSEUDOEPHEDRINE HYDROCHLORIDE
790.1710 BROMPHENTRAMINE MALEATE; PHENYLPROPANOLAMINE HYDROCHLORIDE
790.1719 BUPIVACAINE HYDROCHLORIDE
790.1721 BUPIVACAINE HYDROCHLORIDE; EPINEPHRINE BITARTRATE
790.1740 BUTABARBITAL SODIUM
790.1780 CAFFEINE; CARISOPRODOL; PHENACETIN (Repealed)
790.1820 CAFFEINE; ERGOTAMINE TARTRATE
790.1842 CALCIUM CHLORIDE; DEXTROSE; MAGNESIUM CHLORIDE; SODIUM
CHLORIDE; SODIUM LACTATE
790.1846 CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE
790.1848 CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM
CHLORIDE; SODIUM LACTATE
790.1856 CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE
790.1858 CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE; SODIUM
LACTATE
790.1860 CALCIUM GLUCEPTATE
790.1900 CANDICIDIN (Repealed)
790.1930 CARBANAZEPIE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

790.1940 CARBENICILLIN DISODIUM
 790.1980 CARISOPRODOL
 790.2020 CEFADROXIL MONOHYDRATE
 790.2060 CEFAZOLIN SODIUM
 790.2084 CEFOTAXIME
 790.2092 CEFUROXIME SODIUM
 790.2097 CEPHALEXIN
 EMERGENCY
 790.2100 CEPHALOTHIN SODIUM
 790.2130 CEPHAPIRIN SODIUM
 790.2140 CEPHRADINE/CEPHRADINE DIHYDRATE
 EMERGENCY
 790.2180 CHLORAMPHENICOL
 790.2220 CHLORAMPHENICOL SODIUM SUCCINATE
 790.2260 CHLORDIAZEPoxide HYDROCHLORIDE
 790.2300 CHLORMEZANONE (Repealed)
 790.2340 CHLOROQUINE PHOSPHATE
 790.2380 CHLOROTHIAZIDE
 790.2390 CHLOROTHIAZIDE; METHYLDOPA
 790.2420 CHLOROTRIANISENE
 790.2460 CHLORPHENIRAMINE MALEATE
 790.2465 CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE HYDROCHLORIDE;
 PHENYLPROPANOLAMINE HYDROCHLORIDE; PHENYLTOLOXAMINE CITRATE
 790.2470 CHLORPHENIRAMINE MALEATE; PHENYLPROPANOLAMINE HYDROCHLORIDE
 790.2500 CHLORPROPAMIDE
 790.2510 CHLORTHALIDONE
 790.2540 CHLORTHALIDONE; CLONIDINE HYDROCHLORIDE
 790.2555 CHLORZOXAZONE
 790.2580 CHROMIC CHLORIDE
 790.2583 CITRIC ACID; MAGNESIUM OXIDE; SODIUM CARBONATE
 790.2595 CLINDAMYCIN HYDROCHLORIDE (Repealed)
 790.2603 CLINDAMYCIN PHOSPHATE
 EMERGENCY
 790.2605 CLOFIBRATE
 790.2613 CLOMIPHENE CITRATE
 790.2614 CLONIDINE HYDROCHLORIDE
 790.2617 CLORAZEPATE DIPOTASSIUM
 790.2618 CLOTIMAZOLE
 EMERGENCY
 790.2620 CLOXACILLIN SODIUM MONOHYDRATE
 790.2660 CODEINE PHOSPHATE; PHENYLEPHRINE HYDROCHLORIDE;
 790.2663 PROMETHAZINE HYDROCHLORIDE
 790.2668 CODEINE PHOSPHATE; PROMETHAZINE HYDROCHLORIDE
 790.2672 CODEINE PHOSPHATE; PSEUDOEPHEDRINE HYDROCHLORIDE;
 TRIPROLIDINE HYDROCHLORIDE
 790.2700 CORTICOTROPIN

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

790.2740 CROTAMITON
 790.2780 CYANOCOBALAMIN
 790.2800 CYCLACILLIN
 790.2805 CYCLOBENZAPRINE HYDROCHLORIDE
 790.2820 CYCLOPENTOLATE HYDROCHLORIDE
 790.2860 CYCLOPHOSPHAMIDE
 790.2900 CYPROHEPTADINE HYDROCHLORIDE
 790.2902 CYTARABINE
 EMERGENCY
 790.2904 DACARBAZINE
 790.2908 DANAZOL
 790.2928 DESIPRAMINE HYDROCHLORIDE (Repealed)
 790.2932 DESONIDE
 790.2940 DEXAMETHASONE
 EMERGENCY
 790.2980 DEXAMETHASONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
 EMERGENCY
 790.3020 DEXAMETHASONE SODIUM PHOSPHATE
 790.3021 DEXAMETHASONE SODIUM PHOSPHATE; NEOMYCIN SULFATE
 790.3023 DEXCHLORPHENIRAMINE MALEATE
 790.3025 DEXTROAMPHETAMINE SULFATE
 790.3027 DEXTROMETHORPHAN HYDROBROMIDE; IODINATED GLYCEROL
 790.3028 DEXTROMETHORPHAN HYDROBROMIDE; PROMETHAZINE HYDROCHLORIDE
 790.3029 DEXTROSE
 790.3030 DEXTROSE; DOPAMINE HYDROCHLORIDE
 790.3032 DEXTROSE; HEPARIN SODIUM
 790.3033 DEXTROSE; LIDOCAINE HYDROCHLORIDE
 790.3038 DEXTROSE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE;
 SODIUM ACETATE; SODIUM CHLORIDE; SODIUM GLUCONATE
 790.3042 DEXTROSE; POTASSIUM CHLORIDE
 790.3048 DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE
 790.3049 DEXTROSE; SODIUM CHLORIDE
 790.3051 DEXTROSE; THEOPHYLLINE
 790.3054 DIAZEPAM
 EMERGENCY
 790.3056 DIAZOXIDE
 790.3060 DICLOXACILLIN SODIUM
 790.3085 DICYCLOMINE HYDROCHLORIDE
 790.3100 DIENESTROL
 790.3140 DIETHYLPROPION HYDROCHLORIDE
 790.3180 DIETHYLSTILBESTROL
 790.3220 DIGOXIN
 790.3260 DIMENHYDRINATE
 790.3300 DIPHENHYDRAMINE HYDROCHLORIDE
 790.3315 DISOPYRAMIDE PHOSPHATE
 790.3335 DOPAMINE HYDROCHLORIDE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

790.3340 DOXEPIN HYDROCHLORIDE
 EMERGENCY
 790.3350 DOXORUBICIN HYDROCHLORIDE
 EMERGENCY
 790.3380 DOXYCYCLINE
 790.3420 DOXYCYCLINE HYCLATE
 EMERGENCY
 790.3425 DOXYLAMINE SUCCINATE
 790.3437 DROPERIDOL
 790.3440 DROPERIDOL; FENTANYL CITRATE
 EMERGENCY
 790.3460 ECHOTHIOPHATE IODIDE (Repealed)
 790.3472 EDETATE DISODIUM
 790.3475 EDROPHONIUM CHLORIDE
 790.3492 EPINEPHRINE; LIDOCAINE HYDROCHLORIDE
 790.3500 ERGOCALCIFEROL
 790.3540 ERGOLOID MESYLATES
 790.3580 ERGOTAMINE TARTRATE
 790.3620 ERYTHROMYCIN
 EMERGENCY
 790.3660 ERYTHROMYCIN ESTOLATE
 790.3700 ERYTHROMYCIN ETHYLSUCCINATE
 790.3720 ERYTHROMYCIN ETHYLSUCCINATE; SULFISOXAZOLE ACETYL
 790.3730 ERYTHROMYCIN LACTOBIONATE
 790.3740 ERYTHROMYCIN STEARATE
 790.3742 ERYTHROMYCIN STEARATE
 790.3780 ESTRADIOL CYPIONATE
 790.3800 ESTRADIOL CYPIONATE; TESTOSTERONE CYPIONATE
 790.3820 ESTRADIOL VALERATE
 790.3860 ESTRADIOL VALERATE; TESTOSTERONE ENANTHATE
 790.3900 ETHCHLORVYNOL
 790.3907 ETHINYL ESTRADIOL; NORETHINDRONE
 790.3910 FENOPROFEN CALCIUM
 EMERGENCY
 790.3920 FLOXURIDINE
 790.3940 FLUOCINOLONE ACETONIDE
 790.3945 FLUOCINONIDE
 790.3960 FLUOROMETHOLONE
 790.3980 FLUOROURACIL
 790.3996 FLUPHENAZINE DECANOATE
 790.4012 FLUPHENAZINE HYDROCHLORIDE
 790.4020 FLURANDRENOLIDE
 790.4040 FLURAZEPAM HYDROCHLORIDE
 790.4060 FOLIC ACID
 790.4100 FUROSEMIDE
 790.4140 GENTAMICIN SULFATE
 790.4150 GENTAMICIN SULFATE; SODIUM CHLORIDE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

790.4173 GLUCAGON HYDROCHLORIDE
 790.4180 GLUTETHIMIDE
 790.4200 GLYCINE
 790.4220 GLYCOPYRROLATE
 790.4260 GONADOTROPIN CHORIONIC
 790.4300 GRAMICIDIN; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
 790.4340 GRISEOFULVIN MICROCRYSTALLINE
 790.4380 GRISEOFULVIN ULTRAMICROCRYSTALLINE
 790.4386 GUANETHIDINE MONOSULFATE
 790.4396 HALOPERIDOL
 EMERGENCY
 790.4398 HALOPERIDOL LACTATE
 790.4420 HEPARIN SODIUM
 790.4430 HEPARIN SODIUM; SODIUM CHLORIDE
 790.4460 HEXACHLOROPHENE
 790.4500 HOMATROPINE METHYLBROMIDE (Repealed)
 790.4540 HOMATROPINE METHYLBROMIDE; HYDROCODONE BITARTRATE
 790.4580 HYDRALAZINE HYDROCHLORIDE
 790.4620 HYDRALAZINE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE
 790.4660 HYDROCHLOROTHIAZIDE
 790.4665 HYDROCHLOROTHIAZIDE; LABETALOL HYDROCHLORIDE
 790.4667 HYDROCHLOROTHIAZIDE; LISINAPRIL
 EMERGENCY
 790.4670 HYDROCHLOROTHIAZIDE; METHYLDOPA
 EMERGENCY
 790.4680 HYDROCHLOROTHIAZIDE; PROPRANOLOL HYDROCHLORIDE
 EMERGENCY
 790.4700 HYDROCHLOROTHIAZIDE; SPIRONOLACTONE
 790.4720 HYDROCHLOROTHIAZIDE; TRIAMTERENE
 EMERGENCY
 790.4740 HYDROCORTISONE
 EMERGENCY
 790.4780 HYDROCORTISONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
 790.4820 HYDROCORTISONE; POLYMYXIN B SULFATE
 790.4840 HYDROCORTISONE SODIUM PHOSPHATE
 790.4860 HYDROCORTISONE; UREA
 790.4900 HYDROCORTISONE ACETATE
 790.4940 HYDROCORTISONE ACETATE; NEOMYCIN SULFATE
 790.4960 HYDROCORTISONE ACETATE; PRAMOXINE HYDROCHLORIDE
 790.4963 HYDROCORTISONE ACETATE; UREA
 790.4965 HYDROCORTISONE BUTYRATE
 790.4980 HYDROCORTISONE SODIUM SUCCINATE
 790.5020 HYDROFLUMETHIAZIDE
 790.5060 HYDROXOCOBALAMIN
 790.5100 HYDROXYPROGESTERONE CAPROATE
 790.5140 HYDROXYZINE HYDROCHLORIDE
 790.5180 HYDROXYZINE PAMOATE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

790.5220
EMERGENCY
790.5260
IDOXURIDINE
790.5300
IMIPRAMINE HYDROCHLORIDE
790.5312
INDOMETHACIN
EMERGENCY
790.5320
IODINATED GLYCEROL
790.5340
IRON DEXTRAN COMPLEX
790.5380
ISOETHANINE HYDROCHLORIDE
790.5420
ISONIAZID
790.5460
ISOPROTERENOL HYDROCHLORIDE
790.5483
ISOSORBIDE DINITRATE
790.5500
KANAMYCIN SULFATE
790.5520
KETAMINE HYDROCHLORIDE
790.5530
LABETALOL HYDROCHLORIDE
790.5540
LACTULOSE
790.5544
LEUCOVORIN CALCIUM
790.5555
LEVOCARNITINE
790.5560
LEVONORDEFIN; MEPIVICAINE HYDROCHLORIDE
790.5580
LIDOCAINE
790.5620
LIDOCAINE HYDROCHLORIDE
EMERGENCY
790.5640
LINCAMYCIN
790.5660
LINDANE
790.5700
LITHIYRONINE SODIUM
790.5720
LISINAPRIL
EMERGENCY
790.5740
LITHIUM CARBONATE
790.5780
LITHIUM CITRATE
790.5792
LORAZEPAM
790.5795
LOXAPINE SUCCINATE
790.5800
MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE;
SODIUM CHLORIDE; SODIUM GLUCONATE
MANNITOL
790.5802
MAPROTILINE HYDROCHLORIDE
790.5807
MECLIZINE HYDROCHLORIDE
790.5820
MECLOFENAMATE SODIUM
790.5830
EMERGENCY
790.5835
MEDROXYPROGESTERONE ACETATE
790.5837
MEFENAMIC ACID (Repeated)
EMERGENCY
790.5840
MEGESTROL ACETATE
790.5860
MENADIOL SODIUM PHOSPHATE
790.5872
MEPERIDINE HYDROCHLORIDE
EMERGENCY
790.5893
MEPIVICAINE HYDROCHLORIDE
790.5900
MEPROBAMATE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

790.5924
MESTRANOL; NORETHINDRONE
790.5940
METAPROTERENOL SULFATE
790.5980
METARAMINOL BITARTRATE
790.5992
METHADONE HYDROCHLORIDE
790.5996
METHAMPHETAMINE HYDROCHLORIDE
790.6020
METHIDILAZINE HYDROCHLORIDE
790.6060
METHENAMINE HIPPURATE
790.6100
METHICILLIN SODIUM
790.6140
METHOCARBAMOL
790.6180
METHOTREXATE SODIUM
790.6220
METHSCOPOLAMINE BROMIDE
790.6260
METHYLCLOTHIAZIDE
790.6275
METHYLDOPA
EMERGENCY
790.6277
METHYLDOPATE HYDROCHLORIDE
790.6280
METHYLPHENIDATE HYDROCHLORIDE
790.6284
METHYLPREDNISOLONE
790.6300
METHYLPREDNISOLONE SODIUM SUCCINATE
790.6340
METHYLTESTOSTERONE
EMERGENCY
790.6370
METOCLOPRAMIDE HYDROCHLORIDE
EMERGENCY
790.6375
METOCURINE IODIDE
790.6380
METOLAZONE
790.6420
METRONIDAZOLE
790.6435
MINOXIDIL
EMERGENCY
790.6445
MORPHINE SULFATE
790.6450
NAFCILLIN SODIUM
790.6452
NALBUPHINE HYDROCHLORIDE
EMERGENCY
790.6454
NALIDIXIC ACID
790.6456
NALOXONE HYDROCHLORIDE
EMERGENCY
790.6460
NANDROLONE DECANOATE
790.6480
NANDROLONE PHENPROPIONATE
790.6500
NAPHAZOLINE HYDROCHLORIDE
790.6540
NEOMYCIN SULFATE
790.6544
NEOMYCIN SULFATE; POLYMYXIN B SULFATE
790.6570
NEOMYCIN SULFATE; TRIAMCINOLONE ACETONIDE
790.6580
NIACIN
790.6610
NIFEDIPINE
790.6620
NITROFURANTOIN
790.6621
NITROFURANTOIN MACROCRYSTALS
790.6660
NITROFURAZONE
790.6670
NITROGLYCERIN INJECTION
790.6700
NORETHINDRONE ACETATE

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

790.6740 NORTRIPTYLIN HYDROCHLORIDE
 790.6780 NYSTATIN
 790.6800 NYSTATIN; TRIAMCINOLONE ACETONIDE
 790.6820 ORPHENADRINE CITRATE
 790.6860 OXACILLIN SODIUM
 790.6875 OXAZEPAM
 EMERGENCY
 790.6885 OXTRIPHYLLINE
 790.6895 OXYBUTYRIN
 790.6900 OXYPHENBUTAZONE (Repealed)
 790.6940 OXYTETRACYCLINE HYDROCHLORIDE
 790.6946 OXYTOCIN
 790.6960 PANCURONIUM BROMIDE
 790.6980 PENICILLIN G POTASSIUM
 790.7020 PENICILLIN G PROCAINE
 790.7060 PENICILLIN G SODIUM (Repealed)
 790.7100 PENICILLIN V POTASSIUM
 790.7120 PENTOBARBITAL SODIUM
 790.7130 PERPHENAZINE
 790.7140 PHENDIMETRAZINE TARTRATE
 790.7180 PHENTERMINE HYDROCHLORIDE
 790.7181 PHENTERMINE RESIN COMPLEX
 790.7220 PHENYLEPHRINE HYDROCHLORIDE; PROMETHAZINE HYDROCHLORIDE
 790.7223 PHENYLEPHRINE HYDROCHLORIDE; PROMETHAZINE HYDROCHLORIDE
 790.7229 PHENYTOIN SODIUM INJECTION
 790.7260 PIPERAZINE CITRATE
 790.7265 POLYETHYLENE GLYCOL 3350; POTASSIUM CHLORIDE; SODIUM BICARBONATE; SODIUM CHLORIDE; SODIUM SULFATE, ANHYDROUS
 790.7272 POLYMYXIN B SULFATE
 790.7278 POTASSIUM BICARBONATE
 EMERGENCY
 790.7280 POTASSIUM CHLORIDE
 EMERGENCY
 790.7284 POTASSIUM CHLORIDE; SODIUM CHLORIDE
 790.7288 POTASSIUM GLUCONATE
 790.7291 PRALIDOXIME CHLORIDE
 790.7294 PRAZEPAM
 790.7296 PRAZOSIN HYDROCHLORIDE
 790.7300 PREDNISOLONE ACETATE
 790.7340 PREDNISOLONE ACETATE; SULFACETAMIDE SODIUM
 PREDNISOLONE SODIUM PHOSPHATE
 PREDNISONE
 PRIMIDONE
 PROBENECID
 790.7460

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

790.7500 PROCAINAMIDE HYDROCHLORIDE
 EMERGENCY
 790.7510 PROCAINE HYDROCHLORIDE
 790.7540 PROCHLORPERAZINE EDISYLATE
 790.7580 PROCHLORPERAZINE MALEATE
 790.7620 PROGESTERONE
 790.7660 PROMAZINE HYDROCHLORIDE
 790.7700 PROMETHAZINE HYDROCHLORIDE
 790.7740 PROPANTHELINE BROMIDE
 790.7780 PROPARACAIN HYDROCHLORIDE
 790.7820 PROPOXYPHENE HYDROCHLORIDE
 790.7828 PROPANOLOL HYDROCHLORIDE
 EMERGENCY
 790.7834 PROTAMINE SULFATE
 790.7860 PSEUDOEHPHEDRINE HYDROCHLORIDE; TRIPROLIDINE HYDROCHLORIDE
 790.7900 PYRIDOSTIGMINE BROMIDE
 790.7940 PYRIDOXINE HYDROCHLORIDE
 790.7980 PYRILAMINE MALEATE
 790.8015 QUINIDINE GLUCONATE
 790.8020 QUINIDINE SULFATE
 790.8060 RESERPINE
 790.8100 RIFAMPIN
 790.8106 RITODRINE HYDROCHLORIDE
 790.8136 SECOBARBITAL SODIUM
 790.8140 SELENIUM SULFIDE
 790.8180 SILVER SULFADIAZINE
 790.8220 SODIUM AMINOSALICYLATE
 790.8232 SODIUM CHLORIDE
 790.8244 SODIUM LACTATE
 790.8248 SODIUM NITROPRUSSIDE (Repealed)
 790.8260 SODIUM POLYSTYRENE SULFONATE
 790.8290 SOYBEAN OIL
 790.8300 SPIRONOLACTONE
 790.8340 STREPTOMYCIN SULFATE
 790.8378 SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE
 790.8380 SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE; UREA
 790.8420 SULFACETAMIDE SODIUM
 EMERGENCY
 790.8460 SULFADIAZINE
 790.8500 SULFAMETHIZOLE
 790.8540 SULFAMETHOXAZOLE
 790.8580 SULFAMETHOXAZOLE; TRIMETHOPRIM
 790.8590 SULFANILAMIDE
 790.8620 SULFASALAZINE
 790.8660 SULFINPYRAZONE
 790.8700 SULFISOXAZOLE
 790.8724 TEMAZEPAM

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENOMENTS

790.8727 TERBUTALINE SULFATE
790.8740 TESTOSTERONE CYPIONATE
790.8780 TESTOSTERONE ENANTHATE
790.8820 TESTOSTERONE PROPIONATE
790.8860 TETRACYCLINE
790.8900 TETRACYCLINE HYDROCHLORIDE
790.8940 THEOPHYLLINE
790.8980 THIAMINE HYDROCHLORIDE
790.9020 THIORIAZINE HYDROCHLORIDE
790.9035 THIOXIXENE
790.9045 THIOXIXENE HYDROCHLORIDE
790.9048 TIMOLOL MALEATE
790.9050 TOBRAMYCIN SULFATE
790.9056 TOLAZAMIDE
790.9060 TOLBUTAMIDE
790.9084 TRAZODONE HYDROCHLORIDE
790.9100 TRIAMCINOLONE ACETONIDE
790.9140 TRIFLUOPERAZINE HYDROCHLORIDE
790.9180 TRIHYPHENIOLYL HYDROCHLORIDE
790.9220 TRIMEPAZINE TARTRATE
790.9260 TRIMETHOZENZAMIDE HYDROCHLORIDE
790.9300 TRIMETHOPRIM
790.9320 TRIMIPRAMINE MALEATE
790.9340 TRIPELENNAMINE HYDROCHLORIDE
790.9380 TRIPROLOINE HYDROCHLORIDE
790.9420 TRISULFAPYRIMIDINE
790.9460 TROPICAMIDE
790.9475 VALPROATE SODIUM
790.9478 VALPROIC ACID
790.9486 VANCOMYCIN HYDROCHLORIDE
790.9500 VERAPAMIL HYDROCHLORIDE
790.9520 VINBLASTINE SULFATE
790.9530 VINCRISTINE SULFATE
790.9540 VITAMIN A
790.9580 VITAMIN A PALMITATE
790.9620 WATER FOR INJECTION, STERILE
790.9660 WATER FOR IRRIGATION, STERILE
790.9800 XYLENE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENOMENTS

AUTHORITY: Implementing and authorized by Section 3.14 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 503.14) and Section 25 of the Pharmacy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 4145).

SOURCE: Emergency amendment at 2 Ill. Reg. 18, p. 47, effective April 26, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 26, p. 150, effective July 1, 1978; emergency amendment at 2 Ill. Reg. 40, p. 98, effective October 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 51, p. 48, effective December 18, 1978; emergency amendment at 3 Ill. Reg. 2, p. 18, effective December 31, 1978, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 15, p. 147, effective April 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 27, p. 113, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 32, p. 158, effective August 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 41, p. 178, effective October 8, 1979; emergency amendment at 4 Ill. Reg. 51, p. 147, effective December 12, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 3466, effective March 25, 1981; amended at 5 Ill. Reg. 7107, effective June 24, 1981; amended at 5 Ill. Reg. 9120, effective October 1, 1981; amended at 5 Ill. Reg. 14605, effective February 1, 1982; amended at 6 Ill. Reg. 6750, effective July 1, 1982; amended at 6 Ill. Reg. 11558, effective September 15, 1982; amended at 6 Ill. Reg. 15195, effective December 15, 1982; amended at 7 Ill. Reg. 7110, effective July 1, 1983; amended at 7 Ill. Reg. 13270, effective October 1, 1983; amended at 7 Ill. Reg. 16924, effective January 1, 1984; amended at 8 Ill. Reg. 2162, effective March 1, 1984; amended at 8 Ill. Reg. 8513, effective July 1, 1984; codified at 8 Ill. Reg. 13402; amended at 8 Ill. Reg. 22108, effective November 1, 1984; amended at 9 Ill. Reg. 4071, effective April 1, 1985; amended at 9 Ill. Reg. 6816, effective May 1, 1985; amended at 10 Ill. Reg. 253, effective January 1, 1986; amended at 10 Ill. Reg. 8814, effective May 15, 1986; amended at 11 Ill. Reg. 3565, effective February 23, 1987; amended at 11 Ill. Reg. 9223, effective May 15, 1987; amended at 11 Ill. Reg. 14382, effective August 15, 1987; amended at 12 Ill. Reg. 1823, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1984, effective January 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 7743, effective April 15, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 9153, effective May 13, 1988; amended at 12 Ill. Reg. 10133, effective May 31, 1988, emergency amendment at 12 Ill. Reg. 10745, effective June 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12846, effective July 29, 1988; emergency amendment at 12 Ill. Reg. 13255, effective August 5, 1988, for a maximum of 150 days, emergency expired January 2, 1989; amended at 12 Ill. Reg. 15101, effective September 16, 1988; emergency amendment at 12 Ill. Reg. 16937, effective October 7, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 856, effective January 6, 1989; emergency amendment at 13 Ill. Reg. 3108, effective February 28, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8890, effective May 26, 1989, and January 1, 1990; amended at 13 Ill. Reg. 11717, effective July 14, 1989; corrected at 13 Ill. Reg. 12909; emergency amendment

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

at 13 Ill. Reg. 12990, effective August 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 14477; emergency amendment at 13 Ill. Reg. 17101, effective October 13, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19970, effective December 8, 1989; emergency amendment at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days.

AGENCY NOTE: The text of Sections 790.2097, 790.4720, 790.9048 and 790.9084 which appear below do not include the emergency amendments adopted at 13 Ill. Reg. 17101 effective October 13, 1989, for a maximum of 150 days. The copies filed with the Administrative Code Unit reflect both emergency rules.

SUBPART B: APPROVED DRUG PRODUCTS FOR DRUG PRODUCT SELECTION

Section 790.1200 ASPIRIN; CAFFEINE; ORPHENADRINE CITRATE (Repealed)

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Aspirin-Caffeine; Orphenadrine	tab-385mg;30mg;25mg tab-770mg;60mg;50mg	Watson Watson
Brand(s)		
Norgesie	tab-385mg;30mg;25mg	Riker/3M
Norgesie-Forte	tab-770mg;60mg;50mg	Riker/3M
Orphenesie	tab-385mg;30mg;25mg	Pap
Orphenesie-Forte	tab-770mg;60mg;50mg	Pap

(Source: Emergency repealer at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days)

Section 790.1560 BACLOFEN

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Baclofen	tab 10,20mg tab-10,20mg tab 10,20mg	Pharmaceutical Basics Watson Zenith
Brand(s)		
Liorea1	tab 10,20mg	Ciba-Geigy

(Source: Emergency amendment at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

Section 790.2097 CEPHALEXIN

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Cephalexin	cap cap, pwdr for susp, tab cap, pwdr for susp, tab cap cap cap cap, pwdr for susp cap cap cap, pwdr for susp cap, pwdr for susp cap, pwdr for susp cap, pwdr for susp cap, pwdr for susp cap, pwdr for susp cap	Atrial Labs Barr Biocraft Jerome Stevens Marsam NJ Pharmaceuticals Novopharm Purepac/Kalipharma Squibb Mark TAG Pharms Watson Yoshitomi Zenith
Brand(s)		
Keflex Keflet	cap, pwdr for susp tab	Lilly Lilly

(Source: Emergency amendment at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days)

Section 790.2140 CEPHRADINE/CEPHRADINE DIHYDRATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Cephadrine/Cephadrine Dihydrate	cap cap cap cap pwdr for susp pwdr for susp	Barr Biocraft Watson Zenith Barr Biocraft
Brand(s)		
Anspor Velosef Anspor Velosef	cap cap pwdr for susp pwdr for susp	SKF Squibb SKF Squibb

(Source: Emergency amendment at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Brand(s) Adapin	cap eq 10,25,50,75,100mg base	Cord
	cap eq 10,25,50,75,100mg base	Danbury
Sinequan	cap eq 10,25,50,75,100,150mg base	Lederle/Am Cyanamid
	cap eq 10,25,50,75,100mg base	Mylan
	cap eq 10,25,50,75,100,150mg base	Par
	cap eq 75,100,150mg base	Purepac/Kalipharma
	cap-eq-10,25,50,75,100,150mg-base	Quantum
	conc eq 10mg base/ml	Copley
	conc eq 10mg base/ml	Pharmaceutical Basics
	cap eq 10,25,50,75,100,150mg base	Pennwalt
	cap eq 10,25,50,75,100mg base	Pfizer

(Source: Emergency amendment at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days)

Section 790.3420 DOXYCYCLINE HYCLATE

EMERGENCY

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
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Doxycycline Hyclate	cap	Barr
	cap	Chelsea
	cap	Danbury
	cap	Halsey
	cap	Heather
	cap	Interpharm
	cap	Mutual
	cap	Mylan
	cap	Par
	cap	Parke-Davis/W-L
	cap	Private Formulations
	cap	Purepac/Kalipharma
	cap	Superpharm
	cap	West-Ward
	cap	Vitavine
	cap	Zenith
	inj eq 100,200mg base/vial	Ben Venue
	inj eq 100,200mg base/vial	Elkins-Sinn

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Brand(s) Doxyl-Lemmon	inj eq 100,200mg base/vial	Lederle/Am Cyanamid
	inj eq 100,200mg base/vial	Quad
Vibramycin	tab	Barr
	tab	Chelsea
Doryx	tab	Danbury
	tab	Heather
Doxyl 100,200	tab	Interpharm
	tab	Medicopharma
Doxychel Hyclate	tab	Mutual
	tab	Mylan
Vibramycin	tab	Parke-Davis/W-L
	tab	Superpharm
Doxyl-Lemmon	tab	Zenith
	tab	Lemmon
Doxyl-Tabs	cap	Rachelle
	cap	Pfizer
Vibra-Tabs	cap, coated pellets	Faulding
	cap, coated pellets	Parke-Davis/W-L
	inj eq 100,200mg base/vial	LypholMed
	inj eq 100mg base/vial	Rachelle
	inj eq 100,200mg base/vial	Pfizer
	tab	Lemmon
	tab	Rachelle
	tab	Pfizer

(Source: Emergency amendment at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days)

Section 790.3910 FENOPROFEN CALCIUM

EMERGENCY

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Fenoprofen Calcium	cap 200,300mg	American Therapeutics
	cap 200,300mg	Cord
	cap 200,300mg	Halsey
	cap 200,300mg	Par
	cap 200,300mg	Quantum
	cap 200,300mg	Watson
	tab 600mg	American Therapeutics
	tab 600mg	Chelsea
	tab 600mg	Cord
	tab 600mg	Danbury
	tab 600mg	Halsey
	tab 600mg	Lederle/Am Cyanamid
	tab 600mg	Mylan

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

Section 790..9084	TRAZODONE HYDROCHLORIDE	DOSAGE FORM,	Brand(s)
EMERGENCY	Trazodone Hydrochloride	tab 50, 100mg	Desyrel
		tab 50, 100mg	
		tab 50, 100mg	
		tab 50, 100mg	
		tab 50, 100mg	
		tab 50, 100mg	
		tab 50, 100mg	
		tab-50, 100mg	
		tab 50, 100, 150	
		tab 50, 100mg	
		tab 50, 100, 150	

Section 790.9320	TRIMIPRAMINE MALEATE	DOSAGE FORM	cap eq 25mg cap-eq-25
<u>EMERGENCY</u>			
DRUG	Trimipramine Maleate		
			Brand(s)

(Source: Emergency amendment at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days)

Section 790.9320 TRIMIPRAMINE MALEATE
EMERGENCY

DRUG	DOSAGE FORM, STRENGTH	MANUFACTURER
Trimipramine Maleate	cap eq 25-50, 100mg base	Pharmaceutical Basics
Brand(s)	cap-eq-25-50; 100mg-base	Vitarine
Surmontil	cap eq 25-50, 100mg base	Wveth Averst/AMHO

(Source: Emergency amendment at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days)

DEPARTMENT ON AGING

NOTICE OF REFUSAL TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Number: 240.220 Action: Refusal
- 4) Date Notice of Emergency Rules Published in the Register:
August 25, 1989 13 Ill. Reg. 13638
- 5) Date JCAR Statement of Objection Published in the Register:
November 3, 1989 13 Ill. Reg. 17144
- 6) Summary of Action Taken by the Agency:

The Department on Aging concurs with the Joint Committee on Administrative Rules that the emergency rulemaking on Section 240.220 was necessitated by an "agency created" emergency. Therefore, this Department accepts the Joint Committee's objection.

However, if Section 240.220 remains unchanged until the completion of the general rulemaking process, there will be a drastic disruption in service delivery to the Department's clients under the Community Care Program, involving the transfer of many clients from chore-housekeeping service to homemaker service, which is a higher level of service. This would result in increased costs to the Department and to the affected clients.

In addition, this massive transfer of clients could result in both a statewide solicitation by the Department (in order to contract with the necessary additional homemaker vendors) and the possible cancellation of chore-housekeeping vendor contracts since existing chore-housekeeping vendors would find their caseloads so reduced as to necessitate cessation of service.

As a result of these considerations, the Department on Aging is unable, and therefore refuses, to modify or to withdraw this emergency rulemaking in response to the objection of the Joint Committee on Administrative Rules.

STATE BOARD OF EDUCATION

NOTICE OF REFUSAL TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Learning Assessment and School Improvement Plans
- 2) Code Citation: 23 Ill. Adm. Code 210
- 3) Section Numbers: 210.100 Action: Refusal
- 4) Date Notice of Proposed Rules Published in the Register (if applicable):
June 9, 1989, 13 Ill. Reg. 8766
- 5) Date JCAR Statement of Objection Published in the Register:

December 1, 1989, 13 Ill. Reg. 18943

- 6) Summary of Action Taken by the Agency:

The Joint Committee renewed its objection to language used by the State Board when these rules were originally promulgated, which the State Board declined to modify at that time. Specifically, the Committee asserted that, in Section 210.100(b)(2), the Board had failed to provide its standards for determining whether a school district's assessment measures allow determination of the degree to which students are meeting local objectives, as well as whether the assessment methods are varied enough and appropriate to the various learning areas.

The State Board's position is that it would be counterproductive to set forth rigid standards for local assessment measures in these rules, in view of the wide variations among school districts and among the areas of learning. The focus of the rules is to foster local commitment to assessment which is appropriate to local circumstances. Further, the context of this rulemaking makes the insertion of standards by the State Board unnecessary, as local Learning Assessment Plans will now be approved by local board action.

The State Board has determined through implementation of the rules that it can accept a local board's assurance that the assessment measures used are adequate. The State Board's staff provides considerable technical assistance to districts in formulating their plans, and this represents the most reasonable way of ensuring that districts can meet their obligations in this regard. The State Board therefore declines to modify the rule.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) The Heading of the Part: Telecommunications Excise Tax
- 2) Code Citation: 86 Ill. Adm. Code 495
- 3) Register Citation to Notice of Proposed Rules:
 - 13 Ill. Reg. 16723 ; October 20, 1989
- 4) Date, Time and Location of Public Hearing: January 29, 1990, 10:00 a.m. in the Media Room at the Willard Ice Building, 101 West Jefferson, Springfield, Illinois
- 5) Other Pertinent Information: The purpose of this Hearing is to allow for a public forum for the solicitation of comments on New Part 495.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION
 BY FIRST BANKS, INC., ST. LOUIS,
 MISSOURI, TO ACQUIRE WEST FRANKFORT COMMUNITY
 BANCSHARES, INC., WEST FRANKFORT, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 (Ill. Rev. Stat. 1987, ch. 17, par. 2510.01(d)), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by First Banks, Inc., 11901 Olive Boulevard, St. Louis, Missouri 63141, to acquire West Frankfort Community Bancshares, Inc., 110 N. Jefferson, Box 130, West Frankfort, Illinois 62896.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to either:

Jerry D. Cavanaugh

Harold F. Boede

Commissioner of Banks and Trust Companies
 Room 100 Reisch Building
 117 South Fifth Street
 Springfield, Illinois 62701

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 2, 1990, through January 5, 1990, and have been scheduled for review by the Committee at its February 8, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its February meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
2/10/90	Department of Agriculture, Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)	10/27/89 13 Ill. Reg. 16625	February 8, 1990
2/10/90	Department of Agriculture, Animal Diagnostic Laboratory Act (8 Ill. Adm. Code 110)	11/3/89 13 Ill. Reg. 16861	February 8, 1990
2/20/90	State Board of Education, Private Business and Vocational Schools, Repeal of (23 Ill. Adm. Code 451)	6/16/89 13 Ill. Reg. 9082	February 8, 1990
2/20/90	State Board of Education, Private Business and Vocational Schools (23 Ill. Adm. Code 451)	6/16/89 13 Ill. Reg. 9133	February 8, 1990
2/20/90	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112)	2/17/89 13 Ill. Reg. 1948	February 8, 1990
2/20/90	Department of Transportation, Establishing and Posting Speed Limits on Streets and Highways, Repeal of (92 Ill. Adm. Code 548)	11/17/89 13 Ill. Reg. 17731	February 8, 1990
2/20/90	Department of Transportation, Illinois Manual on Uniform Traffic Control Devices, Repeal of (92 Ill. Adm. Code 546)	11/17/89 13 Ill. Reg. 17767	February 8, 1990

PROCLAMATION

90-001

CAREERS IN COSMETOLOGY MONTH

Whereas, special recognition will be given to careers in cosmetology in our state and throughout the nation during January 1990 by the members and supporters of the Cosmetology Advancement Foundation; and

Whereas, the activities of this nationwide organization of cosmetology industry professionals are designed to attract greater numbers of motivated and qualified people, thereby enhancing the economic well-being of this state and the nation; and

Whereas, the theme for this month, "A New Career for a New Decade," promotes the many professional opportunities offered by cosmetology;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim January 1990 as CAREERS IN COSMETOLOGY MONTH in Illinois.

Issued by the Governor December 29, 1989.

Filed with the Secretary of State January 8, 1990.

90-002

JAYCEE WEEK

Whereas, the Springfield Jaycees has been a vital part of the development of young leaders for the community of Springfield, Illinois, for more than 50 years; and

Whereas, this organization of young people has contributed to the betterment of its community through involvement in such programs as CPR certification and Operation Sandbox; and

Whereas, the United States Jaycees and its affiliated state and local organizations have set aside a week in January to observe the founding of the Jaycees 70 years ago;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim January 21-27, 1990, as JAYCEE WEEK in Illinois and urge all citizens to give full regard to the past and continuing efforts and services of the Springfield Jaycees.

Issued by the Governor December 29, 1989.

Filed with the Secretary of State January 8, 1990.

90-003

WILLIAM FRANKLIN FENNOY DAY

Whereas, William Franklin Fennoy was a prominent political and civic leader in the Metro East area and served as chairman of the East St. Louis Board of Elections Commissioners until his death on December 30, 1989; and

Whereas, William Franklin Fennoy served as committeeman for

precinct 12 for 45 years and was treasurer of the East St. Louis Democratic City Central Committee; and

Whereas, William Franklin Fennoy served as a delegate to the Illinois Constitutional Convention in 1969-1970 and was a dedicated member of the Bill of Rights Committee; and

Whereas, William Franklin Fennoy was instrumental in creating opportunities for the placement of many Metro East area citizens on the local, county, state and national levels. He believed equal job opportunities should be made available to all who are willing to work; and

Whereas, the citizens William Franklin Fennoy served and the Illinois House of Representatives mourn the passing of this prominent political and civic leader;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim January 4, 1990, as WILLIAM FRANKLIN FENNOY DAY in Illinois in honor of his accomplishments and dedication to his constituents.

Issued by the Governor January 3, 1990.

Filed with the Secretary of State January 8, 1990.

90-004

FINANCIAL AID AWARENESS MONTH

Whereas, the State of Illinois has fostered the development of an impressive complement of public, private, and proprietary programs of higher education, and

Whereas, the Illinois Student Assistance Commission has expanded its responsibilities to helping families undertake long-term and systematic savings plans for postsecondary education through the Illinois Opportunity Programs; and

Whereas, a network of student financial assistance programs consisting of grants, scholarships, loans, and jobs provides access to these educational opportunities for thousands of citizens each year; and

Whereas, the Illinois Student Assistance Commission and the Illinois Association of Student Financial Aid Administrators are conducting a series of informational programs for parents and students to learn about available financial assistance resources;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1990 as FINANCIAL AID AWARENESS MONTH in Illinois. I encourage those needing financial assistance for higher education to take advantage of the opportunity to become more informed about the financial aid available, and I urge families concerned about the future education of their children to learn more about the long-range financial planning programs available to Illinois citizens.

Issued by the Governor January 4, 1990.

Filed with the Secretary of State January 8, 1990.

90-005

PRINTING WEEK

Whereas, the printed word is omnipresent in modern society; and Whereas, the printing industry plays a vital role in business, government, education, and all areas that depend on communication; and

Whereas, Printing Week was initiated to give printers, graphic artists, and others the occasion to educate the public about the intricacies of the industry; and

Whereas, the theme of this year's observance, "Printing -- A Lifetime Experience," expresses the industry's great respect for its own mission;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim January 14-20, 1990, as PRINTING WEEK in Illinois in recognition of the significance of the printing industry to our society.

Issued by the Governor January 4, 1990.

Filed with the Secretary of State January 8, 1990.